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भारत का राजपत्र
The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं 23] नई दिल्ली, शनिवार, जून 10, 1967/ज्येष्ठ 20, 1889
No. 23] NEW DELHI, SATURDAY, JUNE 10, 1967/JYAISTHA 20, 1889

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस
NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 27 मई 1967 तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 27th May 1967 :—

Issue No.	No. and Date	Issued by	Subject
298	S.O. 1853, dated 25th May, 1967.	Ministry of Railways	Appointment of Shri Niranjan Sarkar, Additional District Judge, Jalpaiguri as Railways Claims Commissioner.
	एस० ओ० 1863, दिनांक 25 मई, 1967।	रेलवे मंत्रालय	जलपाईगुड़ी के अपर जिला न्यायाधीश श्री निरंजन सरकार को रेलवे दावा आयुक्त नियुक्त करना।
299	S.O. 1865 dated 25th May, 1967.	Ministry of Commerce.	Further amendments to the Export (Control) Order, 1962.
300	S.O. 1866, dated 26th May, 1967.	Ministry of Home Affairs.	The Bombay Village Panchayats (Reconstitution and Reorganisation) Order, 1967.
301	S.O. 1867, dated 26th May, 1967.	Ministry of Commerce.	Granting recognition to the Central India Commercial Exchange, Ltd. Gwalior for three years from the 2nd June, 1967 upto the 1st June, 1970 in respect of forward Contracts in linseed.

Issue No.	No. and Date	Issued by	Subject
392	S.O. 1868, dated 27th May, 1967.	Election Commission, India.	Amendments in notification No. 508/UP/67, dated 11th January, 1967.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिएं।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मन्त्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

CABINET SECRETARIAT

(Department of Statistics)

New Delhi, the 30th May 1967

S.O. 1955.—The following draft of rules further to amend the Collection of Statistics (Central) Rules, 1959, which the Central Government proposes to make in exercise of the powers conferred by section 14 of the Collection of Statistics Act, 1953, (32 of 1953), is hereby published as required by sub-section (i) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 25th June, 1967.

Any objections or suggestions received from any person with respect to the said draft rules before the said date will be considered by the Central Government.

Draft Rules

1. These rules may be called the Collection of Statistics (Central) Amendment Rules, 1967.

2. In rule 2 of the Collection of Statistics (Central) Rules, 1959 (hereinafter referred to as the said rules), in clause (5), for sub-clause (b) the following sub-clause shall be substituted, namely:—

"(b) In any other case, the accounting year of the factory ending on any date between 1st of April of the year in respect of which the statistics are being collected and the 31st of March of the succeeding year."

[No. 16/6/67-Estt. II.]

S. P. JAIN, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 2nd June 1967

S.O. 1956/CPEO/8/67.—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (VII of 1922), the Central Government hereby appoints Shri Tarlok Singh, Public Relations Officer, Regional Passport & Emigration Office, Delhi, to be Protector of Emigrants, Delhi in addition to his own duties with effect from May 24, 1967 *vice* Shri J. A David, Protector of Emigrants, Delhi, transferred.

[No. F. 3(35)V.IV/59.]

C. S. V. SUNDRAM,

Attache (PVA).

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Office of the Controller of Capital Issues)

New Delhi, the 24th May 1967

S.O. 1957.—In exercise of the powers conferred by sub-section (1) of Section 6 of the Capital Issues (Control) Act, 1947 (29 of 1947) the Central Government hereby exempts the Industrial Credit and Investment Corporation of India Limited from the provisions of Sections 3 and 5 of the said Act in respect of Promissory Notes of the value not exceeding the equivalent of D M. 5,000,000 (Five million Deustche Marks) executed and delivered by the said Corporation to Kreditanstalt fur Wiederaufbau in terms of the Loan Agreement entered into between the said two parties.

[No. R. 166-CCI/66.]

M. K. VENKATACHALAM,

Controller of Capital Issues.

(Department of Economic Affairs)

New Delhi, the 1st June 1967

S.O 1958.—Statement of the Affairs of the Reserve Bank of India as on the 26th May, 1967

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up	5,00,00,000	Notes	33,92,92,000
		Rupee Coin	3,73,000
Reserve Fund	80,00,00,000	Small Coin	4,14,000
National Agricultural Credit (Long Term Operations) Fund	115,00,00,000	Bills Purchased and Discounted :—	
		(*a*) Internal	..
		(*b*) External	
		(*c*) Government Treasury Bills	214,35,59,000
National Agricultural Credit (Stabilisation) Fund	16,00,00,000	Balances Held Abroad*	42,37,49,000
National Industrial Credit (Long Term Operation Fund	20,00,00,000	Investments**	286,68,41,000
		Loans and Advances to :—	
		(*i*) Central Government	..
		(*ii*) State Governments@	71,68,23,000
Deposits—		Loans and Advances to :—	
		(*i*) Scheduled Commercial Banks†	13,32,59,000
(*a*) Government—		(*ii*) State Co-operative Banks††	133,80,64,000
		(*iii*) Others	2,98,65,000

(i) Central Government	79,20,89,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(ii) State Governments	13,36,11,000	(a) Loans and Advances to :—	
		(i) State Governments	28,30,24,000
		(ii) State Co-operative Banks	11,43,9 ,,0 0
		(iii) Central Land Mortgage Bank	
(b) Banks		(b) Investment in Central Land Mortgage Bank Debentures	7,09,26,000
(i) Scheduled Commercial Banks	125,66 46,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	5 52,39,000	Loans and Advances to State Co-operative Banks	2,91 63,000
(iii) Non-Scheduled State Co-operative Banks	84 49,000		
(iv) Other Banks	3,57,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	264,34,47,000	(a) Loans and Advances to the Development Bank	5,24,15,000
Bills Payable	35,59,35,000	(b) Investment in bonds/debentures issued by the Development Bank	
Other Liabilities	134 18,51,000	Other Assets	40 58,67,000
Rupees	894,76,24,000	Rupees	894 76,24,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 7,72,51,000 advanced to Scheduled Commercial Banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 31st day of May, 1967.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 26th day of May, 1967

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	33,92,92,000		Gold Coin and Bullion :—		
Notes in Circulation	30,63,16,15,000		(a) Held in India	115,89,25,000	
			(b) Held outside India	..	
Total Notes issued		3097,09,07,000			
			Foreign Securities	186,42,01,000	
			TOTAL		302,31,26,000
			Rupee Coin		69,86 22,000
			Government of India Rupee Securities		2724,91,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		3097,09,07,000	TOTAL ASSETS		3097,09,07,000

Dated the 31st day of May, 1967.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(3)-BC/67].

New Delhi, the 2nd June 1967

S.O. 1959.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declare that the provisions of section 9 of the said Act shall not apply to the Derajat Bank Ltd., Amritsar in respect of the agricultural land measuring 128 kanals, 1 marla and 5 fields held by it in Village Saktuwal, Tehsil Batala, District Gurdaspur, Punjab, upto 31st March, 1968.

[No. F. 15(11)-BC/67.]

New Delhi, the 3rd June 1967

S.O. 1960.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), and Rule 16 of the Banking Companies Rules, 1949, the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and Rule 15 of the said Rules shall not apply to the undernoted banking companies in so far as they relate to the publication of their balance sheets and profit and loss accounts for the year ended the 31st December 1966, together with the auditors' reports in a newspaper.

1. Ajodhia Bank Ltd., Faizabad.
2. Cochin Commercial Bank Ltd., Cochin.
3. Frontier Bank Ltd., New Delhi.
4. Faridpur Banking Corporation Ltd., Calcutta.
5. Karnani Industrial Bank Ltd., Calcutta.
6. P.N.N. Bank Ltd., Salem.
7. Purnea Banking Corporation Ltd., Purnea.
8. Rajapalaiya Commercial Bank (P) Ltd., Rajapalaiyam.
9. Sree Poornathrayeesa Vilasom Bank Ltd., Tripunithura.
10. Tamluk Loan Office Banking Co. Ltd., Tamluk.
11. United Mercantile Bank (Assam) Ltd., Golaghat.

[No. F. 15(10)-BC/67.]

V. SWAMINATHAN, Under Secy.

(Department of Revenue and Insurance)

ESTATE DUTY

New Delhi, the 22nd May 1967

S.O. 1961.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri G. B. Gonsalves, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Madras and makes the following amendment in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-ED, dated the 22nd May, 1964, namely:—

In the Schedule to the said notification, for the entry,

"5. Shri N. Ganapathy, Assistant Commissioner of Income-tax, Madras,"

the following entry shall be substituted, namely:—

"5. Shri G. B. Gonsalves, Assistant Commissioner of Income-tax, Madras."

2. This notification shall be deemed to have come into force on the afternoon of the 11th day of May, 1967.

[No. 8/F. No. 1/9/67-E.D.]

G. R. HEGDE, Dy. Secy.

(Department of Revenue and Insurance)

STAMPS

New Delhi, the 10th June 1967

S.O. 1962.—In exercise of the powers conferred by clause (a) of sub section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Government hereby remits the duty, with which the *ad-hoc* bonds to the value of sixty seven lakhs of rupees to be issued by the Mysore State Financial Corporation are chargeable under the said Act.

[No. 5/67--F. No. 1/23/67-Cus. VII/Stamps.]

M. S. SUBRAMANYAM, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

ESTATE DUTY

New Delhi, the 22nd May 1967

S.O. 1963.—In exercise of the powers conferred by sub-section (2A) of section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of its notification No. 22/F. No. 1/20/65-ED, dated the 16th October, 1965 published as S.O. 3348 in Part II, section 3(ii) of the Gazette of India, dated the 30th October, 1965, the Central Board of Direct Taxes hereby directs that Shri G. B. Gonsalves, an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue and Insurance) No. 8/F. No. 1/9/67-ED, dated the 22nd May, 1967, shall perform the functions of an Appellate Controller of Estate Duty in respect of—

(a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, and

(b) the estates of deceased persons in relation to which an appeal lies under section 62 of the Estate Duty Act, 1953, against an order passed on or after the 1st July, 1960, by an Assistant Controller of Estate Duty,

where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953, made such assessments or passed such orders—

(i) in any area comprised within the jurisdictions of the Commissioners of Income-tax mentioned below:—

Commissioner of Income-tax, Madras-I,
Commissioner of Income-tax, Madras-II,
Commissioner of Income-tax, Kerala,
Commissioner of Income-tax, Mysore,
Commissioner of Income-tax, Andhra Pradesh; or

(ii) in respect of any of the estates of the deceased persons who were being assessed to income-tax in the jurisdiction of the Commissioner of Income-tax (Central), Madras.

2. This notification shall be deemed to have come into force on the afternoon of the 11th day of May, 1967.

[No. 9/F. No. 1/9/67-E.D.]

G. R. HEGDE, Secy.

CORRIGENDUM

New Delhi, the 2nd June 1967

S.O. 1964.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income Tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that in its Notification No. 35 (F. No. 55/92/67-IT(A.II), dated the 24th May, 1967, the following changes shall be made:—

For "The order shall take effect from 24th May, 1967".

Read "The order shall take effect from 15th June, 1967".

[No. 39 (F. No. 55/92/67-IT(A.II).]

A. RAGHAVENDRA RAO, Under Secy.

MINISTRY OF HEALTH & FAMILY PLANNING

(Department of Health)

New Delhi, the 5th June 1967

S.O. 1965.—Whereas in pursuance of clause (c) sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the State Government of Bihar has renominated Dr. C. S Prasad, Public Analyst, Public Health Institute, Patna as a member of the Central Committee for Food Standards representing that Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby directs that Dr. C. S. Prasad, Public Analyst, Public Health Institute, Patna, shall continue to be a member of the Central Committee for Food Standards.

[No. F. 14-25/67-PH.]

M. C. JAIN, Under Secy.

MINISTRY OF TRANSPORT & SHIPPING

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 31st May, 1967

S.O. 1966.—In pursuance of clause (a) of sub-section (1) of section 283 of the Merchant Shipping Act, 1958 (44 of 1958) the Central Government hereby declares that the Government of the Somali Republic have accepted the Safety Convention as defined in clause (37) of section 3 of the said Act that is to say, the Convention for the Safety of Life at Sea signed in London on the seventeenth day of June, nineteen hundred and sixty, as amended from time to time.

[F. No. 46-MA(10)/66.]

B. B. LAL, Under Secy.

MINISTRY OF PETROLEUM & CHEMICALS

(Department of Chemicals)

New Delhi, the 31st May 1967

S.O. 1967.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals, S.O. No. 716, dated 25th February, 1967, under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of right of user in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the Lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas, the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, whereas, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said land, shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration in the National Organic Chemicals Industries Ltd., Bombay, free from all encumbrances.

SCHEDULE

State—Maharashtra	Dist.—Bombay Suburban District.		Taluka—Kurla	
Village	Survey No.	Guntha	Sq. Yd.	Sq. feet.
Chembur.	14A/1A.A.1.A1.	7	81	—

[No. 2/40/66-Ch. I.]

S. SUNDARARAJAN, Dy. Secy.

CENTRAL ELECTRICITY AUTHORITY

New Delhi, the 31st May 1967

S.O. 1968.—Consequent on his reversion to the Bihar State Electricity Board, Shri Man Mohan Prasad Singh relinquished charge of the post of Assistant Director, Eastern Regional Electricity Board, Patna on the afternoon of the 16th May, 1967.

[No. 20/1/65-Adm. I (CEA).]

M. M. DHAWAN, Under Secy.

for Chairman, CEA.

MINISTRY OF COMMERCE

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 11th May 1967

S.O. 1969.—Whereas M/s. Pushap Electronics, 2/29, Double Storey, Tilak Nagar, New Delhi or any bank or any other person have not come forward furnishing sufficient cause, against Notice No. JCCI. I(CLA)/P-1/66/551 dated 28th October, 1966 proposing to cancel licences No. (1) P/SS/1578113/C dated 20th February, 1965 valued at Rs. 956/- for the import of Amplifier parts and (2) P/SS/1532855/C dated 6th May 1964 valued at Rs. 1800/- for the import of Amplifier parts granted to said M/s. Pushap Electronics, 2/29, Double Storey, Tilak Nagar, New Delhi by the Joint Chief Controller of Imports & Exports, (Central Licensing Area), New Delhi, Govt. of India, in the Ministry of Commerce in exercise of the powers conferred by the Clause 9 of the Import (Control) Order, 1955, hereby cancel the said licences No. (1) P/SS/1578113/C dated 20th February 1965 (2) P/SS/1532855/C dated 6th May 1964 issued to M/s. Pushap Electronics, 2/29, Double Storey, Tilak Nagar, New Delhi.

[No. ENF/CLA/P-1/66/1097.]

K. RAJARAMAN,
Jt. Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 29th May 1967

S.O. 1970.—Whereas M/s. H. Prabha Trading Co., opposite Waterworks, Aish Bagh, Lucknow or any bank or any other person have not come forward furnishing sufficient cause against Notice No. 62/HQ/67/Enf dated 29th April, 1967 proposing to cancel licence No. G/RC/2086104/C/XX/24/C/M/24 dated 21st March 1967 for Rs. 27,811 for import of voltage regulators from General Currency Area except South Africa, South West Africa and Rhodesia granted to said M/s. H. Prabha Trading Co., opposite Waterworks, Aish Bagh, Lucknow, by the Chief Controller of Imports and Exports, New Delhi, Government of India in the Ministry of Commerce. In exercise of the powers conferred by clause 9 of the Imports Control Order 1955 hereby cancel the said licence No. G/RC/2086104/C/XX/24/C/M/24 dated 21st March, 1967 for Rs. 27,811 issued to M/s. H. Prabha Trading Co., Opposite Waterworks, Aish Bagh, Lucknow.

[No. 62/HQ/67/Enf.]

T. M. B. NEDUNGADI,
Jt. Chief Controller of Imports & Exports,
for Chief Controller of Imports & Exports.

MINISTRY OF INDUSTRIAL DEVELOPMENT & COMPANY AFFAIRS

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 25th May 1967

S.O. 1971.—In licence No. CM/L-1371 dated 26th December 1966 held by M/s. Hindustan Safety Glass Works Pvt. Ltd., 7 Chittaranjan Avenue, Calcutta-13, the details of which were published under S.O. No. 243 in the Gazette of India, Part II, Sub-section 3(ii) dated 21st January 1967, heat treated safety glass has been included with effect from 23rd February 1967.

[No. MD/55:1371.]

New Delhi, the 26th May 1967

S.O. 1972.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the schedule hereto annexed, have been established during the period 1 to 15 May 1967.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS: 274 (Parts I & II)—1966 Specification for shovels Part I general purpose shovels Part II heat-treated shovels (*second revision*).	IS 274—1961 Specification for shovels (*revised*).	This standard covers the requirements for shovels for general purposes and heat-treated shovels. (*Price Rs.* 3·50).
2	IS: 307-1966—Specification for carbon dioxide (*second re-revision*).	IS: 307-1963—Specification for carbon dioxide (*revised*).	This standard prescribes the requirements and the methods of test for carbon dioxide excluding carbon dioxide for medical use. (*Price Rs.* 4·50).
*3	IS: 366-1965—Specification for electric irons (*revised*).	IS: 366-1955—Specification for electric irons (*tentative*).	This standard applies to automatic (thermostat controlled) and non-automatic electric irons, designed for connections to supplies at voltages not exceeding 250 volts, ac single-phase 50 c/s, or dc. (*Price Rs.* 3·00).
4	IS:371-1966—Specification for ceiling roses (*first revision*).	IS:371-1954—Specification for two-and three-terminal ceiling roses (*tentative*).	This standard specifies ceiling roses of surface, and semi-recessed types, 63·5 mm. nominal diameter and made of vitrious or plastic moulding material for use in circuits in which the voltage does not exceed 250 volts and the current does not exceed 5 amperes. (*Price Rs.* 3·50).
5	IS:650-1966—Specification for standard sand for testing of cement (*first revision*).	IS:650-1955—Specification for standard sand for testing of cement.	This standard lays down requirements for Indian Standard sand used in testing of cement (*Price Re.* 1.00).

*For the purpose of the Indian Standards Institution Certification Marks Scheme IS : 366—1965 shall come into force with effect from 2 May 1967.

(1)	(2)	(3)	(4)
6	IS : 883-1966 Code of practice for design of structural timber in building (*second revision*).	IS:883-1963—Code of practice for use of structural timber in building (material, grading and design) (*revised*).	This standard covers the general principles involved in the design of structural timber in building, (*Price Rs.* 4·00).
7	IS:1405-1966 Methods of sampling iron ore (*first revision*).	IS:1405-1959—Methods of sampling iron ore.	This standard prescribes the methods for sampling of iron ores from conveyors, wagons, ships and stock piles for the determination of size distribution, moisture content and chemical composition of the ore in the lot. It also lays down a method for reporting the quality of the material sampled. (*Price Rs.* 3·50).
8	IS:1437-1967—Specification for automatic weighing machines.	..	This standard covers the requirements for automatic weighing machines (*Price Rs.* 1·50).
9	IS:1835-1965—Specification for steel wire for ropes (*first revision*).	IS:1835-1961—Specification for steel wire for ropes.	This standard covers the requirements for steel wire of nominal diameters 0·20 to 5·0 mm for use in the manufacture of wire ropes (*Price Rs.* 2·00).
10	IS:1885 (Part IX)—1966 Electrotechnical vocabulary. Part IX electrical relays.	..	This standard covers definitions of terms applicable to electrical relays (*Price Rs.* 5·00).
11	IS:2720 (Part XVII)-1966 Methods of test for soils. Part XVII laboraory determination of permeability.		This standard describes the laboratory determination of the coefficient of permeability of soils using the falling head and the constant head methods. This test is recommended for soils with coefficient of permeability in the range 10^{-3} to 10^{-7} cms. The maximum particle size in the soil to be tested in the mould specified in this standard shall be 10 mm (*Price Rs.* 3.50)
12	IS:3222 (Part I)-1966—Specification for instrument screws. Part I fasteners for drawing instruments.	..	This standard specifies the general and dimensional requirements of knurled nuts, T-bolts, threaded bushes, needle holders, and centre screws for drawing instruments (*Price Rs.* 2·50).
13	IS:3269-1966—Specification for stock anchors (for ship's use).	..	This standard specifies the dimensions and material for stock anchors (for ship's use) (*Price Rs.* 1·50).
14	IS:3633-1966—Specification for tea.	..	This standard prescribes the requirements and the methods of test for tea (*Price Rs.* 2·00).
15	IS:3665-1966—Dimensions for involute sided splines.	..	This standard covers the dimensions, for straight involute splines of 30° pressure angle, with three different types of fits, namely, major diameter fit, minor diameter fit and side fit (*Price Rs.* 5·50).

(1)	(2)	(3)	(4)
16	IS:3763-1966—Specification for metal folding chairs	..	This standard covers the requirements for materials, sizes, construction and finish of metal folding chairs (Price Rs. 1·50).
17	IS:3764-1966—Safety code for excavation work.	..	This standard lays down the requirements for carrying out safely the excavation work, such as trenches, test pits, cellars, borrow pits, cutting for rail, canal and road formations and all excavations on which the sides of excavations are not trimmed simultaneously to a stable slope (Price Rs.4·00)
18	IS:3798-1966—Glossary of terms used in the bicycle industry	..	This standard lists the terms commonly used in the bicycle industry (Price Rs. 4·50).
19	IS:3804-1966—Method for calibration of rockwell B and C scale hardness testing machines	..	This standard prescribes the method for calibration of testing machines for determining Rockwell hardness in accordance with IS:1586-1960 (Price Rs. 2·00)
20	IS:3805-1966—Specification for pent-top wooden cases	..	This standard covers the requirements for pent-top wooden cases intended for packing contents weighing not more than 100 kg. (Price Rs. 1·50).
21	IS:3806-1966—Specification for wooden beaters	..	This standard covers the essential requirements of three types of wooden beaters with handles, as follows: (*a*) Wooden beater flat faced (*b*) Wooden beater, flat faced, metal shod ; and (*c*) Wooden beater, taper faced, metal shod, (Price; Rs. 1·50).
22	IS:3808-1966—Method of test for combustibility of building materials	..	This standard lays down the method of test for determining the combustibility property of building materials (Price Re. 1·00).
23	IS:3812 (Part I)-1956—Specification for fly ash Part I foruse as pozzolana.	..	This standard covers the extraction and the physical and chemical requirements of fly ash for use as a pozzolana for replacement of cement and for use with lime (Price Rs.2·00).
24	IS:3812-(Part II)-1966 Specification for fly ash Part II for use as admixture for concrete	..	This standard covers the extraction and physical and chemical requirements of fly ash for use as an admixture for concrete (Price Rs. 2·00)

(1)	(2)	(3)	(4)
25	IS:3812 (Part III)-1966—Specification for fly ash Part III for use as fine aggregate for mortar and concrete	..	This standard covers the extraction and physical and chemical requirements for fly ash for use as fine aggregate for mortar and concrete (Price Rs. 2·00).
26.	IS : 3824 (Part II)-1966—Methods of evaluating dynamic load ratings of rolling bearings. Part II radial roller bearings	..	This standard covers the method of evaluating dynamic load ratings for radial roller bearings (Price Re. 1.00).
27.	IS : 3826 (Part I)-1966—Specification for connectors for frequencies below 3 Mc/s. Part I generalrequirements and tests	..	This standard describes the general requirements and methods of test for judging the mechanical, electrical and climatic properties of connectors intended for use in electronic and telecommunication equipment, for frequencies below 3 Mc/s (Price Rs. 6.00).
28.	IS : 3830-1966—Specification for water stills for pyrogen-free distilled water.	..	This standard covers water stills used for the production of pyrogen-free distilled water used in the preparation of intravenous solutions and injectibles (Price Rs. 2.00).
29.	IS : 3842 (Part II)-1966—Application guide for electrical relays for AC systems. Part II overcurrent relays for generators and motors	..	This guide deals with application of overcurrent relays for AC systems covered by IS : 3231-1965 for generators and motors (Price Rs. 3.50).
30.	IS : 3844-1966—Code of practice for installation of internal fire hydrants in multi-storey buildings.	..	This standard lays down the requirements regarding installation of fire hydrants, in multi-storey buildings of the following heights : (*a*) From 15 and up to 24 m in height, (*b*) Above 24 and up to 60 m in height, and (*c*) Above 60 m in height. (Price Rs. 2.50)
31.	IS : 3863-1966—Methods of chemical analysis of copper-tellurium alloys.	..	This standard prescribes methods for chemical analysis of copper tellurium alloys in which tellurium content may vary between 0.5 to 0.8 per cent (Price Rs. 1.50)
32.	IS : 3866-1966—Specification for sugarcane seed material.	..	This standard prescribes the requirements and the methods of test for sugarcane seed materials, seed cane as well as sugarcane setts. (Price Rs. 1.50).

(1)	(2)	(3)	(4)
33.	IS : 3872-1966 Code of practice for lining of canals with burnt clay tiles.	..	This standard covers laying and finishing of burnt clay tiles on beds and side slopes of canals to serve as canal lining. (Price Rs. 3.00)
34.	IS : 3873 - 1966 Code of practice for laying *in situ* cement concrete lining on canals.	..	This code covers lining of canals using *in situ* plain cement concrete (Price Rs. 2.50)
35.	IS : 3871-1966 Specification for boxing gloves.	..	This standard lays down the requirements for boxing gloves (Price Rs. 2.00)
36.	IS : 3875-1966 Specification for hot plate, wax levelling, dental.	..	This standard specifies the requirements for wax levelling, hot plate (Price Re. 1.00)
37.	IS : 3876-1967 Specification for plaster knife, dental.	..	This standard covers the requirements for plaster knife. (Price Re. 1.00)
38.	IS : 3877-1967 Specification for wax knife, dental.	..	This standard specifies the requirements for wax knife (Price Re. 1.00)
39.	IS : 3878-1967 Specification for plaster shears, dental.	..	This standard specifies the requirements for plaster shears dental (Price Re. 1.00)
40.	IS : 3886-1966 Minimum requirements for general purpose audio frequency signal generators (30 c/s to 30 kc/s)	..	This standard lays down the minimum performance requirements for general purpose audio frequency signal generators operating in the frequency range of 30 c/s to 30 kc/s (Price Rs. 1.50)
41.	IS : 3899-1966 Specification for zineb water dispersible powder.	..	This standard prescribes the requirements and the methods of test for zineb water dispersible powder containing varying percentages of zineb technical (Price Rs. 4.00)
42.	IS : 3900-1966 Specification for ziram, technical.	..	This standard prescribes the requirements and the methods of test for ziram, technical, employed in the preparation of formulations required for the control of fungal and bacterial diseases of agricultural crops. (Price Rs. 3.50)
43.	IS : 3901-1966 Specification for ziram water dispersible powder.	..	This standard prescribes the requirements and the methods of test for ziram water dispersible powder containing varying percentage of ziram technical (Price Rs. 3.50)
44.	IS : 3905-1966 Specification for thiometon emulsifiable concentrates.	..	This standard prescribes the requirements and the method of test for thiometon emulsifiable concentrates (Price Rs. 3.50).

(1)	(2)	(3)	(4)
45.	IS : 3907 (Part I)-1966 Code for the transport of laboratory animals. Part I transport of mice, rats, rabbits, guinea pigs and cotton rats.	..	This code prescribes the conditions for the transport of laboratory animals by air, rail and road (Price Re. 1.00)
46.	IS : 3909-1966 Specification for aluminium unequal leg angles.	..	This standard lays down the dimensions of aluminium ur equal leg angles for structural use (Price Rs. 1.50)
47.	IS : 3911-1966 Specification for surface floats.	..	This standard specifies the functional requirements and performance tests of surface floats. It also covers the materials to be used for its manufacture (Price Rs. 1.50)
48.	IS : 3912-1966 Specification for sounding rods.	..	This standard specifies the functional requirements and performance tests of sounding rods. It also covers the materials to be used for its manufacture (Price Rs. 1.50)
49.	IS : 3913-1966 Specification for suspended sediment load samplers.	..	This standard specifies the functional requirements and performance tests of suspended sediment load samplers. It also covers materials to be used 10r suspen led sediment load samplers (Price Rs. 3.50)
50.	IS : 3916-1966 Code of practice for pig housing.	..	This code deals with the constructional details of structures required for housing of pigs (Price Rs. 4.00)
51.	IS : 3917-1966 spec fication for scoop type bed material samplers.	..	This standard specifies the functional requirements and performance tests of scoop type bed material samplers and materials to be used for its manufacture (Price Rs. 2.50)
52.	IS : 3918-1966 Code of practice or use of current meter (cup type) for water flow measurements.	..	This standard specifies the methods for use of current meters (cup type), sources of error in them, and their maintenance (Price Rs. 3.50)
53.	IS : 3921-1966 Specification for aluminium channels.	..	This standard lays down the dimensions of structural aluminium channels (Price Re. 1.00)
54.	IS 3923-1966 Specification for leg-guards for cricket batsmen, wicket -keepers and hockey goal keepers.	..	This standard covers the requirements of full size leg-guards used by cricket batsmen, wicket-keepers and hockey goal keepers (Price Rs. 2.50)
55.	IS : 3926-1966 Specification for methyl cinnamate.	..	This standard prescribes the requirements and the methods of sampling and test for methyl cinnamate (Price Rs. 1.50).

(1)	(2)	(3)	(4)
56.	IS : 3927-1966 Specification for *iso* butyl phenyl acetate	..	This standard prescribes the requirements and the methods of sampling and test for *iso* butyl phenyl acetate (Price Re. 1.00)
57.	IS : 3928-1966 Specification for styralyl acetate.	..	This standard prescribes the requirements and the methods of sampling and test for styralyl acetate (Price Re. 1.00)
58.	IS : 3929-1966 Specification for amyl salicylate.	..	This standard prescribes the requirements and the methods of sampling and test for amyl salicylate used in perfumery (Price Re. 1.00)
59.	IS : 3939-1967 Specification for hand maize sheller.	..	This standard prescribes the requirements for the bench model hand maize sheller (Price Rs. 2.00)
60.	IS : 3940-1966 Specification for torpedo ventilators.	..	This standard gives the specification for torpedo ventilators (Price Rs. 1.50)
61.	IS : 3941-1966 Specification for cabin ventilators.	..	This standard specifies the requirements of cabin ventilators (Price Re. 1.00)
62.	IS : 3942-1966 Specification for marine sounding rods.	..	This standard specifies the requirements for flexible and straight marine sounding rods (Price Re. 1.00)
63.	IS : 3943-1966 Specification for voice pipe and voice pipe fittings.	..	This standard specifies the requirements for voice pipes and voice pipe fittings on board ships (Price Rs. 2.00)
64.	IS : 3944-1966 Specification for flow cups.	..	This standard covers the requirements of flow cups for use with paints, lacquers and other viscous fluids (Price Re. 1.00)
65.	IS : 3957-1966 Quality tolerances for water for ice manufacture	..	This standard prescribes the quality tolerances for water used in ice manufacture (Price Re. 1.00)
66.	IS : 3958-1966 Methods of sampling cosmetics and toilet goods.	..	This standard prescribes methods of sampling cosmetics and toilet goods (Price Re. 2.00)
67.	IS : 3959-1966 Specification for skin powders.	..	This standard prescribes the requirements and the methods of sampling and test for skin powders (Price Rs. 2.00)
68.	IS : 3970-1966 Specification for safety detaching hooks used in mines.	..	This specification prescribes the minimum requirements consistent with safety, regarding the materials and manufacture of detaching hooks used in mine shafts, and their inspection during use (Price Rs. 2.50)

(1)	(2)	(3)	(4)
69.	IS : 3977-1967 Specification for bottom rollers for speed frames.	..	This standard prescribes the requirement for bottom rollers with fluted, knurled or saw-toothed bosses and with anti-friction bearings. (Price Rs. 2.50).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (*i*) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (*ii*) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (*iii*) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (*iv*) 117/418-B Sarvodaya Nagar, Kanpur.

[No. MD/13:2]

S.O. 1973—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Serial No.	No. and the title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS: 11-1963 Specification for grading of raw wool for export (*revised*)	S.O. 1421 dated 25 May 1963	No. 1 February 1967	(*i*) Clauses 3·3·1, 3·3·2, 5·3·1, 5·4·1 and 5·5·1 have been substituted by new ones (*ii*) Appendix A has been deleted (*iii*) A new clause 5·3·2 has been added	15 June 1967
2	IS:722 (Part V)—1965 Specification for AC electricity meters Part V volt ampere hour meters for restricted power factor range	S.O. 664 dated 5 March 1966	No. 1 April 1967	(*i*) Clauses 3·1·1, 4·2, 7·1 and table 3 have been substituted by new ones (*ii*) A new clause 3·4 has been added (*iii*) Clauses 7·3, 11·11·1 and table 6 have been amended	
3	IS:963—1958 Specification for chrome-molybdenum steel bars for rods for aircraft purposes	S.O. 1438 dated 27 June 1959	No. 1 February 1967	Clause 0·4 has been substituted by a new one and clause 7·6·2 amended	15 June 1967
4	IS:1165—1957 Specification for milk powder (whole and skim)	S.O. 1349 dated 12 July 1958	No. 3 March 1967	A *tentative method* 'solubility index for the determination of solubility as an alternative to solubility percentage has been included in the standard.	
5	IS:1445—1966 Specification for porcelain insulators for overhead power lines (below 1000 volts) (*revised*)	S.O. 469 dated 11 February 1967	No. 1 March 1967	Clauses 8·2·0 and 8·2·1·1 have been amended	
6	IS:1517—1959 Specification for milking pails (hooded type), mild steel, tinned	S.O. 1346 dated 28 May 1960	No. 1 February 1967	5-litre capacity milking pail has been included in the standard	

(1)	(2)	(3)	(4)	(5)	(6)
7	IS:1709—1960 Specification for fixed capacitors for fans	S.O. 2760 dated 25 November 1961	No. 2 February 1967	The amendment aims at lining this standard with IS:2993—1964, wherever there is commonality	Immediate effect
8	IS:2133—1962 Specification for wooden tent pins	S.O. 483 dated 16 February 1963	No. 2 February 1967	(*i*) A new clause 4·1·1 has been added after 4·1 (*ii*) The existing clauses 7·1 and 7·1·1 have been substituted by a new one	15 June 1967
9	IS:2720 (Part XVI)—1965 methods of test for soils Part XVI laboratory determination of CBR	S.O. 664 dated 5 March 1966	No. 1 February 1967	(*iii*) Appendix A has been amended Clause 5·2 has been amended	
10	IS:2997—1964 Specification for air circulator type electric fans and regulators	S.O. 664 dated 5 March 1966	No. 1 March 1967	Table 4 has been amended	
11	IS:3025—1964 Methods of sampling and test (physical and chemical) for water used in industry	S.O. 664 dated 5 March 1966	No. 1 February 1967	(*i*) Page 112, clause B-2·1 (e), line 3—substitute '12·369 g' for '112·369 g' (*ii*) A new item 58 has been added.	15 June 1967
12	IS:3063—1965 Specification for spring washers for bolts, nuts and screws	S.O. 1594 dated 22 May 1965	No. 1 February 1967	Entries under column heading 'd' of Table 1 have been substituted by new ones	

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1, and also its branch offices at (*i*) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel, Road, Bombay-7, (*ii*) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (*iii*) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (*iv*) 117/418-B Sarvodaya Nagar, Kanpur.

[No. M.D./13:5].

New Delhi, the 29th May 1967

S.O. 1974.—The Certification Marks Licences, details of which are given hereafter, have lapsed or their renewal deferred :

Sl. No.	Licence No. and Date	Licensee's Name and Address	Article/Process and the Relevant IS : No.	S.O. Number and Date of the Gazette Notifying Grant of Licence	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1.	CM/L-524 27-3-1963	Ganesh Flour Mills Co of India Ltd., 4 Kalpi Road, Fazalganj, Kanpur (U.P.)	18-litre square tins—IS : 916-1958	S.O. 1145 20-4-1963	Lapsed after 15-4-1967
2.	CM/L-842 28-11-1964	Bengal Jute Mills Co. Ltd., 8 Dalhousie Square East, Calcutta -1.	Jute hessian—IS 2818-1964	S.O. 79 2-1-1965	Lapsed after 30-11-1966
3.	CM/L-843 28-11-1964	Bengal Jute Mills Co., Ltd., 8 Dalhousie Square East, Calcutta-1.	Jute sackings— (1) A-twill jute bags —IS : 1943-1964 (2) B-twill jute bags —IS : 2566-1965 (3) Heavy cee jute bags —IS : 2874-1964, and (4) Jute corn sacks —IS: 12875-1964	S.O. 79 2-1-1965	Lapsed after 30-11-966
4.	CM/L-951 28-11-1964	The Kalvin Jute Co. Ltd., Broad Loom Section at Waverley Jute Mills, Mc Leod House, 3 Netaji Subhas Road, Calcutta-1.	Jute hessian — IS : 28-18-1964	S.O. 79 2-1-1965	Lapsed after 30-11-1966
5.	CM/L-967 28-11-1964	Victoria Jute Mills, 6 Clive Row, Calcutta-1	Jute Hessian— IS : 28-18-1964	S.O. 79 2-1-1965	Lapsed after 30-11-1966
6.	CM/L-968 28-11-1964	Victoria Jute Mills, 6 Clive Row, Calcutta -1.	Jute sackings— (1) A-twill jute bags —IS - 1943-1964 (2) B-twill jute bags —IS : 2566-1965 (3) Heavy cee jute bags—IS : 2874-1964, and (4) Jute corn sacks —IS : 2875-1964	S.O. 79 2-1-1965	Lapsed after 30-11-966
7.	CM/L-1046 29-3-1965	Optimohar Industries (P) Ltd., Harichand Textile Mills' Compound, Vikhroli, Bombay-79.	Blow lamps—IS: 1899-1961	S.O. 1406 1-5-1965	Deferred after 15-4-1967
8.	CM/L-1052 15-4-1965	J.K. Steel Ltd., 18 Rabindra Sarani Road, Calcutta-1.	Hot rolled steel strips (baling)——IS : 1029-1956	S.O. 1592 22-5-1965	Deferred after 15-4-1967

(1)	(2)	(3)	(4)	(5)	(6)
9.	CM/L-1238 1-4-1966	Shibu Metal Works, Subzimandi, Jagadhri (Punjab).	Rolled brass sheets and strips, grade Bs. 60—IS : 410-1959	S.O. 1551 28-5-1966	Deferred after 15-4-1967
10.	CM/L-1243 15-4-1966	Bharat Pulverizing Mills Pvt. Ltd., Hexamar House, 38-A, Sayani Road, Bombay-28.	Methyl parathion emulsifiable concentrates —IS : 2865-1965	S.O. 1551 28-5-1966	Deferred after 15-4-1967
11.	CM/L-1251 22-4-1966	Glolite Electricals, Champsi Bhimji Road, Mazagaon, Bombay.	Ballasts for flouorescent lamps (for switch start circuits) — IS : 1534 (Part I)—1960	S.O. 1551 28-5-1966	Lapsed after 30-4-1967

[No. MD/33: 16/C]

New Delhi, the 30th May 1967

S.O. 1975.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in he schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS:277-1962 Specification for galvanized steel sheets (plain and corrugated) (*revised*)	S.O. 2874 dated 22 August 1964 ..	(*i*) No. 2 January 1967 (*ii*) No. 3. March 1967	Page 5' clause 10·1, 1st line— *Substitute* '50 × 50mm' for '100 mm square' Clause ·7·5 and Table 1 have been amended	26 May 1967
2	IS:692-1965 Specification for paper insulated lead-sheathed cables for electricity supply (*revised*)	S.O. 1253 dated 24 April 1965	No. 2 May, 1967	Three additional sizes of cables, namely 225 sq. mm, 800 sq. mm and 1000 sq. mm have been added.	26 May 1967

Copies of these Amendment slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1, and also its branch offices at (*i*) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (*ii*) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13 (*iii*) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (*iv*) 117/418-B Sarvodya Nagar, Kanpur.

[No. MD/13:5]

(DR). SADGOPAL,
Deputy Director General.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 1st June 1967

S.O. 1976.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, No. 2, Calcutta, in the industrial dispute between the employers in relation to the Banalee Colliery, Post Office Nandi, District Burdwan and their workmen, which was received by the Central Government on the 26th May, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE NO. 29 OF 1966

PARTIES:

Employers in relation to the Banalee Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri S. C. Sen.

On behalf of workmen.—Shri N. R. Roy.

STATE: West Bengal. INDUSTRY: Coal Mines.

AWARD

By Order No. 6/54/65/LR-II dated 14th May 1965, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Banalee Colliery, P.O. Nandi, Dist. Burdwan, and their workmen in respect of the subject matter mentioned in the following schedule:

"Whether the action of the management of the Banalee Colliery in refusing to give employment to 19 workmen named in the Schedule below was justified? If not, to what relief are the workmen entitled?

SCHEDULE

1. Shri Jhinku Gope.
2. Shri Baneswar Roy.
3. Shri Jagdish Roy.
4. Shri Rambilas Harijan.
5. Shri Pardeshu Harijan.
6. Shri Rambali Bhar.
7. Shri Gangabishan Kolri.
8. Shri Khin Khin Harijan.
9. Shri Laljit Roy.
10. Shri Jogeswar Ram.
11. Shri Hari Kishore Roy.
12. Shri Harilal Pashi.
13. Shri B. Jagdeo Harijan.
14. Shri Pulu Harijan.
15. Shri Nago Ram.
16. Shri Bhuneswar Harijan.
17. Shri Ransajan Harijan.
18. Shri Parmeswar Ram.
19. Shri Harihar Bhar."

2. I may point out that there is a mistake as to the name of workman No. 1 mentioned in the schedule. His correct name is Jhinku Gope and not Khinku Gope. Further, out of the 19 workmen whose case has been referred to the tribunal, there

is no dispute concerning four workmen, namely No. 2. Shri Baneswar Roy, No. 11. Shri Hari Kishore Roy, No. 12 Shri Harilal Pashi and No. 16. Shri Bhuneswar Harijan, because long before the order of reference they had been allowed to join their jobs as pick miners by the management. Baneswar Roy, Hari Kishore Roy and Bhuneswar Harijan were allowed to join with effect from 22nd February 1965 and Harilal Pashi with effect from 26th February 1965. The dispute exists in relation to the remaining 15 workmen only. These 15 workmen as well as 4 other workmen voluntarily taken back by the management were pick miners at Banalee Colliery. In the beginning of January they were working in the mine relating to Satgram seam. The management by two orders dated 6th January 1965 transferred them as pick miners to the mine relating to Bogra seam. The outlets of the mines are about 500 Yds from one another but both the mines form part of the Banalee Colliery and are treated as one unit. The order of transfer was passed on 25 pick miners, 14 pick miners being mentioned in the office Order, Ext. A and 11 in the office order Ext. A1. Six of the 25 pick miners accepted their copies of the order by putting thumb impressions on the office order, Ext. A1 and they joined at Bogra seam with effect from 7th January 1965 as ordered. The remaining 19 pick miners refused to accept their copies of the orders by putting their thumb impressions or signatures on the office orders, Exts. A and A1, and accordingly their copies of the order were sent to them by registered post. The pick miners however received their copies of the order by post without any delay; as they had objection to join as pick miners in the mine relating to Bogra seam; they took their transfer orders to the General Secretary of their Union, the Colliery Mazdoor Union, and the General Secretary, Keshab Banerjee by a letter dated 8th January 1965 raised a dispute before the Conciliation officer, Central, Raniganj alleging that as the workmen had raised a dispute for non-supply of hurricane lanterns and pick axes free of charge and for certain other grievances, the management had vindictively passed the transfer orders and that the transfer orders should be cancelled. The objection of the workmen as stated by two of them, examined before the tribunal, was that when working in the mine relating to Satgram seam they could work standing erect, but in the mine relating to Bogra seam the height was only 4' or thereabouts and they would have to work bending down or in a cramped position. The case of the management, however, was that there was no scope for employing them any further in the mine relating to Satgram seam as four of the 5 sections of the mine relating to Satgram seam had become practically exhausted, and further development was proposed to be down with machinery and such development would not require the services of the pick miners. At the request of the management, the A.L.C., Raniganj Shri Khakha together with the Mine Inspector inspecting the mines of Banalee Colliery on 13th February 1965, and according to the case of the management, they were satisfied that the management was right in holding that there was no further scope for employing these pick miners in the mine relating to Satgram seam. As the 19 workmen did not join their posts in the mine relating to Bogra Seam, the management drew up chargesheets on 25th January 1965 against these 19 workmen for disobedience of the management's order and for absence from their work for more than 10 days without authorised leave; and an enquiry was held by Shri N. Upadhyaya, Labour Welfare Officer, Nimcha Colliery on 19th February 1965. The Labour Welfare Officer reported that the charges had been proved against all the 19 workmen but he recommended lenient treatment of three of the workmen, namely Baneswar Roy, Hari Kishore Roy and Bhuneswar Harijan who at the hearing had admitted their fault and stated that they were ready to join the mine in relation to Bogra seam if permitted to do so. The report and the proceedings were submitted to the Manager by the Enquiring Officer, and the Manager, Shri A. K. Chatterjee, by an Order dated 20th February 1965 permitted the three workmen to join as pick miners at Bogra seam with effect from 22nd February 1965 and they joined accordingly. On 25th February 1965 Harilal Pashi submitted an application before the Manager expressing regret for having disobeyed the order of Manager and expressing his willingness to join at Bogra seam. In respect of him also the manager passed an order permitting him to join with effect from 26th February 1965 and Harilal Pashi joined accordingly. The record with the Manager's report was then submitted to the Chief Mining Engineer, Shri A. B. Maitra, and the Chief Mining Engineer by his letter of 2nd March 1965 approved of the dismissal of the remaining 15 pick miners. As conciliation proceedings were then pending, the manager held up the issue of the orders of dismissal. In the meantime on 8th March 1965 the Manager received a letter from the Conciliation Officer, Raniganj, Ext. D, stating that the workmen were now agreeable to work in Bogra seam. The manager replied by a letter dated 9th March 1965 sent by peon, Ext. E, wherein he stated that the workmen should give in writing their intention as stated in the C.O.'s letter and thereafter the management would consider the case on merit. Thereafter the Conciliation Officer asked the manager by telephone to meet him at his office on 12th March 1965. The manager went to the C.O.'s office at Raniganj on 12th March 1965 and

on that date after some discussion the Conciliation Officer handed him an application by 12 of the workmen, Ext. F, bearing their thumb impressions, for being permitted to resume their work as pick miners and saying that they were now agreeable to work in the Bogra seam. The Manager told the Conciliation Officer that he would obtain permission from his C.M.E. Returning to his colliery, the Manager wrote to the C.M.E. about the re-employment of these 12 workmen but the C.M.E. by his letter dated 15th March 1965, Ext. P., refused to grant permission; and the Manager by letter dated 16th March 1965, Ext. G, informed the Conciliation Officer, Raniganj, accordingly. Thereafter, the Conciliation Officer submitted a failure report to the Government of India. A copy of the failure report was received by the management of Banalee Colliery in the 3rd or 4th week of April 1965. As he was then busy in connection with other work at the colliery, he could not issue the dismissal orders on the 15th workmen immediately. These dismissal orders were issued on 20th May 1965. In the meantime, however, on 14th May 1965 the Government passed the order of reference, but the management received a copy of that order of reference after 20th May 1965 after the orders of dismissal had been issued by the management.

3. According to the case of the union, the orders of transfer were vindictive and were issued because the workmen had been agitating for the free supply of hurricane lanterns, pick axes, etc.; that the enquiry into the chargesheets had not been properly held and that the order of dismissal was, therefore, bad; and further the order was bad because it was passed after the dispute had been referred to the tribunal and no previous permission in writing of the tribunal had been taken before passing the order of dismissal, as required by Sec. 33(1) of the Industrial Disputes Act.

4 According the management, however, the orders of transfer were passed *bona fide* in view of the exigencies of work at the colliery, and not in order to victimise the workmen for their union activities; the charge-sheets were drawn up on 25th January 1965 for disobedience and prolonged absence from work; and the enquiry held on 19th February 1965 was held by the Labour Welfare Officer of the sister colliery Nimcha, an independent person, and the enquiry was attended by 17 of the 19 workmen chargesheeted *i.e.* all except No. 7-Gangabishan Koiri and No. 13. B. Jagdeo Harijan who also had been served with notice of enquiry by registered post; and the order of dismissal had been passed with the approval of the C.M.E. and was perfectly justified. As regards the failure to take back the 12 workmen who had made the application in the presence of the Conciliation Officer on 12th March 1965, the case of the management is that the 4 workmen who were taken back had expressed regret for their conduct, but the 12 workmen who made the application on 12th March 1965 had not expressed any regret, and that in the circumstances the management thought it undesirable to take them back in their original posts.

5. Shri S. C. Sen appearing on behalf of the management has raised a preliminary point that the dispute between the parties has been wrongly described in the reference order; that the real issues are (a) whether management was justified in asking the 15 workmen to go and work at Bogra seam, (b) whether the workmen in question were justified in refusing to obey the order, and (c) whether on such refusal the management was justified in deciding to dismiss them and whether in pursuance of this decision their ultimate order of dismissal was proper and justified. Shri Sen has urged that the order of reference with the vague terms—refusing to give employment to the 19 workmen is not maintainable. The order of reference has to be understood in the history of the dispute as narrated already. The reference really includes the questions which according to the management should have been in the terms of reference, namely whether the management was justified in passing the order of transfer to Bogra seam and whether the workmen were justified in refusing to obey the order and whether in view of the refusal the management was justified in deciding to dismiss them and ultimately refusing to take them back. I do not therefore think that the order of reference is so vague as to make the reference had in law. It is however to be understood that the reference is with reference to 15 workers, because there was no dispute at the time when the reference was made relating to 4 of the workmen.

6. Shri N. Roy has raised the point that the order of dismissal apart from any other consideration was bad because it was in contravention of Sec. 33 Sub-Section (1) of the Industrial Disputes Act. In this case there was contravention because reference order was passed on 14th May 1965 and the order of dismissal was passed on 20th May, 1965. The contravention was, however, not deliberate, because the manager delayed the passing of the order of dismissal during the pendency of the Conciliation proceedings even though the decision to dismiss the 15 of the workmen had been taken on 2nd March, 1965. Moreover, the Supreme Court has held that

there can be no order of re-instatement merely because there has been contravention of provisions of Sec. 33 of the Industrial Disputes Act. The tribunal has further to examine the question whether the order of dismissal was justified on merits. In the circumstances the dispute has to be decided on merits.

7. Ext. M is a copy of the certified Standing Orders of the company. Paragraph 17 provides that all workmen are liable to be transferred in the exigencies of work from one department to another or from one station to another or from one coal mine to another under the same ownership, provided the conditions of service are not altered to the disadvantage of the workmen. In the present case, the workmen who are pick miners in one of the seams of the colliery, namely Satgram, were transferred as pick miners to the other seam of the colliery, namely, Bogra seam. The pick miners at both the seams receive the same rate of wages. There was therefore no change in the conditions of service. The disadvantage suffered by workmen on account of lower height of the galleries in the mine relating to Bogra seam cannot be considered as any change in the conditions of service, because the pick miners have to work sometimes in high galleries where they can stand erect and sometimes in low galleries where they have to bend their heads or even crawl. The Management proved by producing the payment of wages Registers, Ext. Q—Q7, that from the middle of 1962 to the middle of 1964, all these pick miners worked in the Bogra seam; the Satgram seam was then flooded according to the evidence of the Manager. Pickminer Jhinku Gope admitted that Satgram seam was flooded in 1962 and that he then worked at Bogra seam, but he said that it was for two days only. Ext. Q—Q7 show that it was more like two years. The management had the right to pass the orders of transfer on 6th January 1965 when such transfer was necessitated by the condition of the mines.

8. As regards the case of the union that the transfer orders were passed vindictively because the workmen had been agitating about the removal of their grievances, the only evidence produced, apart from the oral evidence of the two workmen which is not very reliable, is the copy of a letter dated 4th December 1964 addressed to the R.L.C , Ext. 4, and the latter from the R.L.C. to the Manager dated 24th February 1965, Ext. 3, Ext. 4 was a letter written by Keshab Banerjee, General Secretary of the union, representing the grievances of the underground workers of Banalee colliery for non-supply of hurricane lanterns, chimneys, kerosene, etc. free of cost. This was a general complaint concerning all the underground workmen, *viz.*, pick miners, loaders and workmen of other categories, and none of the 15 pick miners were directly concerned in sending the letter. There is no reason, therefore that the management should have any grudge against these particular pick miners. The letter of the R.L.C., Ext. 3, shows that the R.L.C., Dhanbad, only asked the management to refund the sum of Rs. 4 taken from each underground workman as caution money against the issue of helmets, belchas, baskets, lanterns, etc. when going underground. The manager, Shri A. K. Chatterjee, has stated that after receipt of this letter, there were some correspondence between him and the R.L.C. and ultimately he refunded the caution money in full to all the underground workmen, *vide* the register, Ext. R together with the caution money receipts which were returned by the underground workers when obtaining refund of the caution money. Thereafter, therefore, it does not appear that the workers had any further grievance relating to the issue of lanterns, pick axes, etc. In this connection, reference may also be made to Ext. L, a letter written by the Manager to the Conciliation Officer, Raniganj, after the joint inspection by the Conciliation Officer and the Labour Inspector, Raniganj. After referring to the fact that at the inspection it was shown to the inspecting officers that there was no working place for the pick miners at Satgram seam and that is why they had to be transferred to Bogra seam, the Manager proceeded to refer to the question of free issue of hurricane lamp, etc. and stated that the A.L.C. must have been satisfied that the issue of kerosene oil, hurricane lamp, chimneys and pick axes, etc. were being made free of cost and no deduction of cost was being made from any worker, and that though some pick miners were using their own picks and pick axes, they never approached the Manager for issue of free picks and pick axes, and that only a caution money of Rs. 4 per head was being realised against the free issue of store materials, the caution money being refundable on the return of the store materials issued to the workmen going underground. It is in connection with this caution money that the R.L.C. subsequently wrote the letter. Ext. 3, to the Manager, and the Manager thereafter stopped the practice of taking caution money and refunded the caution money taken to the underground workmen.

9. As regards the point made by the management that the transfer had to be made because of the exigencies of work, there being no scope for employing these pick miners any longer at Satgram seam, there is reference to this fact not only

in the letter. Ext. L but the manager has also explained the matter in his evidence. He has stated that by October or November, 1964 de-pillaring of one district or section of Satgram seam was almost complete, and a scheme was made for developing a new district, but that was proposed to be developed with machines and the services of so many pick miners, therefore, were not necessary; and that he passed orders of transfer on 25 pick miners of whom 6 accepted the order without any protest and joined Bogra seam from 7th January 1965; and four more joined at Bogra seam in February, 1965 after proceedings had been drawn up against them. The evidence of the manager on the point has not been controverted. There is also the fact that the statement of the manager, in Ext. L, that the A.L.C. and the Inspector were satisfied that there was no working place for pick miners at Satgram seam was not controverted in any letter from the Conciliation Officer or the Labour Inspector. I must, therefore, find that the transfer order was passed by the management purely in the exigencies of work in the colliery and the management was not influenced by any vindictive motives in passing the order of transfer.

10. It follows that the workmen concerned were not justified in refusing to obey the order of transfer and in absenting themselves from work for a long period from 7th January, 1965. It is unfortunate that the union encouraged these workmen to fight the order of transfer by making an application on 8th January, 1965 to the Conciliation Officer raising a dispute against the order of transfer. It would appear that the Conciliation Officer was satisfied that the conduct of the pick-miners was not correct, and he advised them to go and join their work as pick miners at Bogra seam, and when the workmen expressed agreement, the Conciliation Officer wrote the letter dated 8th March, 1965, Ext. D, to the manager. In the meantime the management drew up chargesheets against 19 pick miners on 25th January, 1965, Ext. B to B18. The 19 workmen all gave their replies on the same sheets by 2nd February, 1965. The replies were typed out by some union officer and were all in the same terms, namely that conditions of service had been changed by transferring them to Bogra seam which was a low seam and that the order of transfer was vindictive. Two of the workmen were examined as witnesses before the tribunal, *viz.*, Jhunku Gope and Ramball Bhar. Both of them denied having been present at the time of the enquiry by Shri N. Upadhaya on 19th February, 1965. Jhunku Gope had first stated that he received the notice of the enquiry and handed it over to the General Secretary of the union and he did not know what had happened thereafter; but in cross examination he tried to resile from that position, and said that he had received many notices from the management and did not know whether there was any notice relating to the date of enquiry. The other workman, Rambali Bhar, examined after Jhunku, denied that any notice was received by him. I must hold that the denial was false. Initially when the case was being opened, Shri N. R. Roy on behalf of the union admitted the notice of enquiry, Ext. C, implying that the notice of enquiry had been duly served and in the unions' written statement no point as to non-service of the notice of inquiry was raised. There is evidence of Shri N. Upadhaya who held the enquiry that 17 of the 19 pick miners chargesheeted were actually present and he recorded their statements and that two workmen only, namely Gangabishan Koiro and B. Jagdeo Harijan were absent, but he satisfied himself from the postal acknowledgment due forms produced by the management that the notices had been received by them. These acknowledgment due forms are Exts. J and J1. Shri N. R. Roy challenged this evidence of Shri Upadhaya by pointing out that Shri Upadhaya who was an officer at another colliery did not know the pick miners at Benalee colliery. Shri Upadhaya admitted that position but he said that he called out the workers by name and 17 of them responded and he took their statements, and further that the manager of Banalee colliery was present. The Manager, Shri A. K. Chatterjee confirmed that 17 chargesheeted men were present at the enquiry and they were questioned by the Enquiring Officer and their statements were recorded, although all of them except one only refused to put their thump impressions below their statements. This evidence is confirmed by the record of proceedings, Ext. H and there is no reason to disbelieve this evidence. I must hold, therefore, that the enquiry was properly held. The manager took back three of the pick miners who had admitted the charges and expressed regret before the Enquiring Officer, and he also took back a 4th pick miner who submitted an application on 25th February, 1965, expressing his regret; and he sent the report to the C.M.E. recommending dismissal of the remaining 15, and the C.M.E. by his letter dated 1st March, 1965, but signed on 2nd March, 1965, Ext. 0, expressed his approval to the dismissal of the remaining 15 pick miners. As the charges of disobedience and the absence from work for more than 10 days were both proved, it cannot be said that the proposed order of dismissal was a bad one.

11. But the Manager withheld passing the orders of dismissal because the Conciliation proceedings were pending, and a new situation arose from the fact that the Conciliation Officer had managed to persuade many of the workmen to give up their allegations that the order of transfer was a vindictive one and to join at the Bogra seam as ordered by the management. Reference has already been made to the letter, Ext. D, written by the Conciliation Officer on 8th March, 1965 and the reply of the Manager, Ext. E, dated 9th March, 1965. In Ext. E the manager only wanted that "workmen should give in writing about their intention as expressed in your letter, after which we shall consider their case on proper merits." Then on receiving a telephone message from the C.O., the manager attended the office of C.O. at Raniganj on 12th March, 1965 and there the application, Ext. F with thumb impressions of 12 of the pick miners was handed by the Conciliation Officer to the Manager. The relevant portion of Ext. F is as follows, "that we were all working in Satgram seam of your colliery and are habituated in the conditions prevailing there. Now we have been asked to work in Bogra seam which is very low seam for which we protested. Now we are suffering very much and passing days under great difficulties, we are now agreeable to work in Bogra seam as pick miners. Kindly allow us to resume our work there with immediate effect. "The manager in his evidence before the tribunal stated that on receiving the list he informed the Conciliation Officer that he would have to take permission from the C.M.E. in the matter of re-employment; that he wrote to the C.M.E. about the re-employment of these 12 workmen but the C.M.E. objected and so he informed the Conciliation Officer by his letter, dated 16th March, 1965, Ext. G, that the 12 pick miners could not be taken back. He also enclosed a copy of the C.M.E.'s letter along with his letter, dated 16th March, 1965 to the Conciliation Officer. The case of the union is that at the meeting before the Conciliation Officer the management definitely agreed to take back these 12 workmen, *vide* paragraph 10 of the written statement of union, and the union has urged that in the circumstances, the subsequent action of the management in refusing to take back the workmen was unfair and malafide. Shri N. R. Roy also took advantage of the fact that the relevant papers had been called for from the C.O.'s office by the management, to prove the proceedings recorded by the Conciliation Officer on 12th March, 1965. The proceedings have been marked Ext. 6. The proceedings however do not support the union's contention that the management definitely promised to take back the 12 workmen. The relevant portion of the proceedings is as follows," the manager agreed to take them in employment from 17th March, 1965, provided the workmen approached in writing that they are willing to work in the Bogra seam. The manager further stated that he would do so after obtaining the permission from C.M.E. in writing". The workmen expressed their willingness to work in the Bogra seam *vide* their application, Ext. F but the C.M.E. did not give permission *vide* C.M.E.'s letter, dated 15th March, 1965. Ext. P. So far as the manager is concerned, therefore, he cannot be blamed, but he accepted the offer subject to the permission of the C.M.E. The question is whether the C.M.E., the management at the highest level, was justified in refusing to take back the 12 pick miners who had stated in writing that they were willing to join as pick miners at Bogra seam. Shri S. C. Sen for the management has urged that the charges had been proved against the workmen justifying the dismissal, and it was naturally for the management to decide whether or not they would take a lenient view and take them back as they did 4 persons who had expressed their regret. From a purely legal point of view, it may be true that it was for the management to decide finally whether to take back these 12 workmen or not. But the tribunal may also consider whether it was fair labour practice that the management should not ultimately take back these 12 pick miners, after the manager had stated that he would be willing to take them back if they expressed in writing their intention of working in Bogra seam subject, of course, to the permission of the C.M.E. The C.M.E. in his letter, Ext. P., dated 15th March, 1965, stated that the records of the departmental proceedings had already been placed before him, and he had already given his approval to the order of dismissal, and that final order was with-held only because of the conciliation proceedings; and that in view of the finding of the Enquiry Officer, the C.M.E. was unable to entertain the belated petition which did not agree with the past conduct of the pick miners and did not appear to have been made *bona fide* and had disclosed no extenuating circumstances. In spite of the finding made by the Enquiry Officer however, the management did take back 4 pick miners. Accordingly, there is no substance in the reason that because of the finding made by the Enquiring Officer, the decision could not be changed. The petition by the 12 pick miners was no doubt belated, being made on 12th March, 1965, but from the letter from the C.O., dated 8th March, 1965, Ext. D., it appears that the workmen had agreed by 7th March, 1965 to join work at Bogra seam. There does not appear to be any ground for holding that the application made on 12th March, 1965 that they were willing to joint work at Bogra seam was not made *bona fide*. As regards the contents not agreeing with

the workmen's conduct, it is difficult to understand what the C.M.E. meant by the same. As to this remark of the C.M.E. and as to his observation about lack of extenuating circumstances, Shri Sen has urged that there was no expression of regret by these 12 workmen, and therefore the management was entitled to make a distinction between these pick miners and the case of 4 pick miners who were taken back. It is true that there was no expression of regret in the application, Ext. F, but it appears from the manager's letter, Ext. E, dated 9th March, 1965 and the proceedings of the C.O., Ext. 6 that the manager only wanted that they should put in writing their willingness to join work at Bogra seam and that is what the workmen did. In the circumstances, I do not think that it was fair on the part of the management ultimately to refuse to take back these 12 pick miners who had expressed in writing their willingness to work at Bogra seam I think, therefore, that there should be a direction on the management for taking them back. But in view of the conduct of the pick miners in having disobeyed a perfectly valid order of the manager to go and work at Bogra seam, and having kept away from work for such a long period, I think that the pick miners are not entitled to any pay or allowance for the period of non-employment.

12. As regards the three remaining pick miners, namely No. 9-Laljit Roy, No. 10-Jogeswar Roy and No. 13-B. Jagdeo Harijan, who did not join in filing the application on 12th March, 1965, expressing their willingness to join as pick miners at Bogra seam, I must hold that the order of dismissal passed on them was right and proper and they are not entitled to any relief.

13. My award, therefore, is as follows:—

(i) There is no dispute concerning:

No. 2 — Shri Baneswar Roy.

No. 11 — Shri Hari Kishore Roy.

No. 12 — Shri Harilal Pashi, and

No. 16 — Shri Bhuneswar Harijan.

(ii) As regards the 12 pick miners who made the application on 12th March, 1965, for being permitted to join and expressed their willingness to work as pick miners at Bogra seam, namely:—

1. Shri Jhinku Gope (and not Khinku Gope as expressed in the order),
3. Shri Jagdish Roy.
4. Shri Rambilas Harijan.
5. Shri Pardeshu Harijan.
6. Shri Rambali Bhar.
7. Shri Gangabishan Koiri.
8. Shri Khin Khin Harijan.
14. Shri Pulu Harijan.
15. Shri Nago Ram.
17. Shri Ransajan Harijan.
18. Shri Parmeswar Ram, and
19. Shri Harihar Bhar.

the action of the management refusing to give them employment sometime after 12th March, 1965, was not justified and I direct that they be given employment again as pick miners at Bogra seam within one month of the publication of the award. They will not however be entitled to any pay or compensation for the period of non-employment.

(iii) As regards No. 9-Shri Laljit Roy, No. 10-Shri Jogeswar Ram and No. 13-Shri B. Jagdeo Harijan, the action of the management in refusing to give them employment and in dismissing them with effect from 20th March, 1965, was justified and these workmen are not entitled to any relief.

Calcutta, the 19th May, 1967

(Sd.) S. K. SEN,
Presiding Officer.

[No. 6/54/65-LRII.]

S.O. 1977.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Western Kajora Colliery, (Post Office Raniganj, District Burdwan) and their workmen, which was received by the Central Government on the 29th May, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE No. 58 OF 1966

PARTIES:

Employers in relation to the Western Kajora Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen, Presiding Officer.

APPEARANCES:

On behalf of Employers.—Shri A. K. Basu, Advocate.

On behalf of Workmen.—Absent.

STATE: West Bengal. INDUSTRY: Coal Mines.

AWARD

By Order No. 6/70/65/LRII dated 23rd September, 1965, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Western Kajora Colliery, P.O. Raniguni, Dist., Burdwan, and their workmen arising out of retrenchment of an Winding Engine Khalasi named Shri Mangru Turi with effect from 28th February, 1965.

2. According to the case of the management they had two winding engines at Western Kajora Colliery and as work was done previously on Sundays also which was the weekly day of rest at the colliery, an extra winding engine khalasi was required so that with the two winding engines working in three shifts each winding engine Khalasi might in turn be allowed one weekly day off From the beginning of 1965, however, the management, in view of the fact that the unworked area of the colliery had become very small and the profit margin had become much reduced with continual rise in the wages, decided to stop the practice of working on Sundays and accordingly there was requirement for only six winding engine khalasis. One of the seven winding engine khalasis in the service of the company, therefore, became surplus, and Mangru Turi being the junior most winding engine khalasi was given notice of retrenchment dated 30th January 1965 informing him that his services would be terminated with effect from 28th February 1965 and he was directed to collect his dues from the cashier by the 28th February, 1965 during office hours. Copy of this notice was given also to the Conciliation Officer, Central, Raniganj and R.L.C., Central Calcutta.

3. According to the written statement of the union, the Colliery Mazdoor Sabha Asansol, Mangru Turi had been working for a long time at the colliery; he was an active member of the Colliery Mazdoor Sabha and had taken part in protesting against various grievances of the workmen; and that on account of such activity the management suddenly served him with the notice of retrenchment dated 30th January 1965. According to the union, such retrenchment was *mala fide* and amounted to unfair labour practice.

4. The union however has not appeared at the hearing and therefore the case has been heard *ex-parte*. The management has examined one witness, Shri Biswanath Bhawalka, who has said that out of the seven winding engine khalasis in the service of the company, Mangru Turi was the junior most and he has produced a list of the winding engine khalasis, Ext. A, prepared by the manager to prove this. He has also stated that the company was working on Sundays, the rest days during 1963 and 1964 but from January 1965 it was decided to stop work on Sunday as the company had to pay overtime for work on Sundays and that accordingly only six winding engine khalasis for working the two winding engines in three shifts were required and so the junior most winding engine khalasi became surplus and was served with notice of retrenchment.

5 On the *ex-parte* evidence the order of retrenchment must be held to be justified. There is nothing to show that this was due to the workmen's union activities or that it amounted to unfair labour practice in any way.

6. Accordingly, my award is that the action of the management of Western Kajore Colliery in retrenching the workman, Shri Mangru Turi, Winding Engine Khalasi, with effect from 28th February 1965 was justified and that the workman, therefore, is not entitled to any relief.

Sd./- S. K. SEN,
Presiding Officer.

Dated 25th May 1967.

[No. 6/70/65-LRII.]

New Delhi, the 3rd June 1967

S O. 1978.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri F. Jeejeebhoy, Arbitrator, in the industrial dispute between the employers in relation to the Associated Cement Companies Limited, Kotma, and their workmen which was received by the Central Government on the 29th May, 1967.

ARBITRATION AWARD

In the matter of Associated Cement Companies Limited, Kotma

AND

Their Workmen, represented by the Kotma Colliery Mazdoor Sangh.

Pursuant to an agreement between the parties dated 19th June, 1964 referring the matters contained therein to the arbitration of Mr. F. Jeejeebhoy, last President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', Churchgate Reclamation, Bombay.

PRESENT:

Mr. F. Jeejeebhoy, Barrister-at-Law, Arbitrator.

APPEARANCES:

For the Emlouers—Mr. I. M. Nanavati, Advocate, Mr. G. L. Govil & Mr. M. S. Kapoor.

For the Workmen—Mr K. B. Chougule, General Secretary, Kotma Colliery Mazdoor Sangh, Kotma.

AWARD

Whereas by an agreement between the Associated Cement Companies Limited, Kotma on the one hand and their workmen represented by the Kotma Colliery Mazdoor Sangh on the other, certain disputes pending between them, which had been referred by the Central Government to the adjudication of the Central Government Industrial Tribunal at Bombay, were withdrawn and referred to the arbitration of Mr. F. Jeejeebhoy, Last President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', Churchgate Reclamation, Bombay-1;

And whereas the parties had agreed that the decision of the said Arbitrator shall be binding on them;

And whereas the said agreement which was made under section 10A of the Industrial Disputes Act 1947 has been duly published by the Government of India in the Gazette of India of 11th July 1964 being S.O. No. 2442 at pages 2899 and 2900 with annexures thereto;

And whereas the hearing of the said arbitration has been partly completed;

Now, therefore, I, the said Mr. F Jeejeebhoy, Barrister-at-Law, as such arbitrator do hereby make the following award in terms of the agreement of Reference relating to item No. 8 as appearing on page 2900 relating to Notification No. S.O. 639 but limited to individual item No 15 as appearing on page No. 2904 *viz.* "whether the termination of services of all or any of the following workers is justified? If not, to what relief are they entitled?" Item 15 is confined to Shri R. K. Som.

Dated at Bombay, this the 24th Day of May 1967.

F. JEEJEEBHOY,
Arbitrator.

AWARD

By an order of the Ministry of Labour & Employment S.O. No 639 dated 12th February 1964 and duly published at page 2904 of Part II, Section 3 (ii) of the Gazette of India of 11th July 1964 a dispute between the Associated Cement Cos. Ltd., and their workmen of Kotma Colliery was referred for adjudication to the Industrial Tribunal at Bombay. The issue was "Whether termination of services of all or any of the following workmen is justified? If not, to what relief are they entitled?"

By an agreement between the parties dated 19th June 1964 the said dispute was taken from the Industrial Tribunal and referred by the parties concerned to the arbitration of Mr. F. Jeejeebhoy, last President, Labour Appellate Tribunal

of India, residing at Firuz-Ara, 160, Queens Road, Churchgate Reclamation, Bombay-1. The said agreement has been duly published by the Government of India at New Delhi on 4th July 1964 being S.O. 2442 at page 2899 of Part II, Section 3 (ii) of the Gazette of India of 11th of July 1964.

3. One of the persons referred to in the agreement is Shri R. K. Som. Shri R. K. Som was taken into employment of A.C.C's Kotma Colliery on 13th December 1958 and at the time of his dismissal he had been raised to the category of B Grade Clerk. He became the Office Secretary of the INTUC (KCLU) union in the Colliery at the end of 1959 and continued to be the Secretary until his dismissal by the company on 3rd November 1962. The other union at the time was KCMS = Kotma Colliery Mazdoor Sabha, affiliated to the Socialist Party.

4. There were two charge-sheets against Som. The first charge sheet was No. KC-10-5202 dated 5th April 1962. The second charge sheet was No. KC-10-8477 dated 29th July 1962. The charge against Som in charge sheet 5202 was based upon Som's absenting himself without permission and in defiance of the orders of the Office Superintendent who was his departmental head. The second charge sheet No. 8477 dated 29th July 1962 is based upon the allegation that Som had continuously absented himself without permission and without satisfactory cause since 18th April 1962.

5. In reply to the charge sheet 8477 Som said that the reason for his continued absence from duty was due to want of security at the Time Office and nothing else; that certain unauthorised rough elements had made it a habit to loiter within the office and to disturb work often with some definite objectives; that he had at that time discussed the matter with the Station House Officer, Kotma Police Station, and he had been told that unless the management objected in writing to the entrance of certain rough elements within the office compound the local administration was helpless to solve this problem; that the incident of 9th July 1962 also proved that the colliery atmosphere was then abnormal; the Station House Officer even advised him to report to the Police Station whenever he felt any necessity to move outside Kotma; that it would be safe if he was transferred to place like Workshop Stores etc. The [illegible] regarded the explanation given by Som unsatisfactory and denied [illegible] rough elements were permitted to loiter within the office or to disturb work, and Som was advised to report for duty immediately at the Time Office. The charge sheet went on to say that it had been decided to hold an enquiry into the charges on 12th August 1962 at 3 p.m. and he was asked to be present for the enquiry and to examine such witnesses as he wished. Som did not appear at the enquiry. Referring to the charge sheet 5202 dated 5th April 1962 Som said: So I hope that a right consideration will be given to the situation and also request to please note that I am not willing to appear before any enquiry proceedings etc. but these submissions may kindly be taken as final for the enquiry proceedings also. While concluding I pray that for better industrial relations the answer should not be always negative whenever we approach for anything without giving a least consideration simply because of our trade union activities.

6. The fact of the matter is that Som refused to appear at the enquiries and the enquiries proceeded ex-parte. The proceedings of the enquiries are before me and the enquiries were held with due care, and the salient features of Som's complaints were examined by the Enquiry Officer to find out whether there was substance in them. The findings and recommendations of the Enquiry Officer in these two proceedings, namely, 5202 and 8477 are before me; the Enquiring Officer put to the witnesses questions to ascertain whether Som's replies to the management were based on facts. The Time Office-in-Charge gave *inter-alia* the following answers:—

"Questions by Enquiry Officer:—

Q: Can you tell me as to how many days Som has worked during the period from 1st August 1961 till date i.e. 16th August 1962?

A: In all 52¼ days 4 days in August 1961, 18 in September 1961, 14 in October 1961, 10 in March 1962 and 6¼ in April 1962.

He had been continuously remaining unauthorisedly absent since 18th April 1962." This witness also said:

"Between the period 18th April 1962 to 15th May 1962 I have seen Shri Som visiting Welfare Officer's office in connection with recruitment of labour. Altogether during the complete period of unauthorised absence from 18th April 1962 onwards I have seen Sri Som about 6 times in Welfare Officer's office. I have also seen Sri Som passing on the road between the Time Office and No. 3 Dafai 4 to 5 times during this period. Yesterday I saw Sri Som in the Indian Independence Day

procession. This procession was taken out by the Kotma Colliery Labour Union. At that time I was near the Post Office and talking to Sri V. B. Dixit, Apprentice Welfare Officer. The office where Sri Som is required to work is in the adjacent room in which my office is situated. Both the offices have a common wall. In the office where Sri Som is required to work there are 6 others also accommodated. Sri D. K. Roy who works in Token Office and who maintains leave record, and trainfare records also works under my supervision. He is one of the Vice-Presidents of the Kotma Colliery Labour Union. He has been attending his duties regularly. The room in which Shri D. K. Roy works is hardly 6 to 8 yards away from the room in which Sri R. K. Som is required to work. Neither Sri Som nor Shri D. K. Roy has at any time told me that they are unsafe at the place where they were working. I also say that such of the Company's employees who are office bearers of members of the Kotma Colliery Labour Union are, except Sri Som, attending their duties regularly. The members and office bearers of the Union have at no time complained to me that some undesirable element is roaming about near the Time Office. During the last three months and over I have not seen any undesirable people in or around the Time Office or the incline office."

7. Another witness at the enquiry was Shri K. V. Ayyar, Personnel & Welfare Officer. He said: "To my knowledge there were no disturbances in the Colliery on 20th April 1962 as alleged by Sri Som in para 2 of Ex. E. I also say that the allegations made in para 4 of the Ex. E regarding the presence of particular gang of people armed with lathies etc. within the Time Office compound day after day during the office hours is baseless. I say this because my office is situated within the Time Office compound and is in the extension portion of the Time Office Building. My office is next to the office of the Time Office-In Charge, Sri Shaukat Ali, and next to that is Sri Som's office. I move frequently from my office to Shri Shaukat Ali's office, Asstt Manager's office, and Main office, workshop etc. for my routine work and at no time I have seen gangs of people armed with lathies etc. roaming in the premises. The only days on which large numbers of people congregate about the Time Office premises are the days on which payments are disbursed, and since a very long time by arrangement with the local administration Special Armed Police Forces are in charge of these premises only with a view to prevent any untoward happenings during the disbursement of wages. Here again these persons who assemble do not carry with them any lathies or other weapons. There is a telephone in my office, which is regularly used by the Main Office and the other offices of the Colliery (such as Hospital, Workshop, Stores etc.) to contact the concerned time keepers for getting normal work done. No one has ever approached me complaining about insecurity of the Time Office premises. With reference to para 5 of Exhibit E, I was present at the colliery on the day Sri Madan Mohan Singh overstayed in the Mine and on the subsequent day till about 10 p.m. when I left for Bombay. During those two days, Sri Madan Mohan Singh's overstayal caused anxiety to the management but it did not give rise to any tensions in the colliery. I was not present when Shri P. N. Tripathi commenced his fast and broke it. On my return from Bombay I came to know that Shri Som at his request was granted permission by the Manager to go underground to meet Sri Madan Mohan Singh and persuade him to give up his overstayal. He further conducted some negotiations with the Manager. (Two letters of 1st May 1962 are produced). I may mention here that Sri Som had been coming to the Time Office premises himself on several occasions for discussing various labour matters with me or in my absence with Shri V. B. Dixit. To cite a few instances, during the period 11th May 1962 to the end of June 1962 we were having fairly heavy recruitment of badli workers. I distinctly remember that Sri Som came to me himself on two occasions to request a few of his candidates to be recruited. I have also in my file numerous applications of candidates in the handwriting of Sri Som himself during the period referred to I may also mention that Sri Som has come to my office at least on two occasions in connection with the case of Sri Lalabadur, and the second discussion was dated 3rd June 1962 in the evening. On the night of 19th June 1962 on my way to the Directors' Bungalow I met Sri Som in the company of Sri B. K. Misra and a few others at about 7-30 p.m. and I informed him that the management wished to see a copy of the Union's constitution. (This witness also referred to several occasions on which Som had come to the office for discussing complaints of employees etc.) With reference to para 6 of Ex. E. I wish to state that as a result of the riots of 4th May 1962 Sri Som himself along with others was arrested by the Police as is evidenced by his own personal letters dated 5th May 1962. I also understand that Sri Som was challaned in connection with the rioting of 4th May 1962 and the case is pending against

him. * * * The details regarding the dates of Sri Som's visits to my office in connection with various matters have been taken from my diary which I am required to maintain under Mines Rules. * * * From what I can make of the unauthorised absence of Sri Som he seems to be fully occupied with trade union responsibilities which he is shouldering. In this connection I may say that he appeared before the Conciliation Officer (Central) at Manendragarh in connection with certain disputes on 13th August, 1962 and both of us returned by the night train.'

8. As regards charge-sheet No. 5202, a telegram was received referring to the extension of Som's leave to 3rd April, 1962, and the management took the view that the question of extending leave did not arise because he had been continuously absent from duty without permission and without satisfactory cause since 14th March, 1962; that Som had brought an application dated 10th February, 1962 for grant of 30 days leave from 14th March, 1962 to 12th April, 1962 but he was told clearly and specifically by the Office Superintendent that the leave could not be granted for the reasons stated. But Som disregarded and disobeyed these instructions and absented himself from the colliery and from duty from 14th March, 1962. In his explanation Som says that on 2nd March, 1962 while resuming his duties he went to the Departmental Head and informed him that he might require leave within 13th April, 1962 but he could not get leave; on 12th March, 1962 he was told that the leave could not be granted. On the next day he personally went to the Departmental Head but did not succeed in getting leave. On refusal he went to Sri Ramrattan, the Acting President of the Union and explained to him the urgency of the leave, and he took the leave application and at about 6.00 p.m. informed him that Sri Mehra had consented to sign the leave application. Accordingly he left and started for Calcutta. On 27th March 1962 he sent a telegram asking further extension till 31st March 1962. On 29th March 1962 he returned to the colliery and was busy with the election of the union and he submitted another application for extension on 1st April 1962, to which he received no favourable reply; that he returned for duty on 4th April 1962 and was not allowed to join duty for reasons which were not known to him. He ends his letter by requesting the management to please note that he was not willing to appear before any enquiry proceedings etc. but these submissions of his might kindly be taken as final in the enquiry proceedings.

9. The findings and recommendations of the Enquiry Officer on the enquiries into the charge-sheets 5202 and 8477 issued to Som were duly made on 27th August, 1962. The Enquiry Officer held that the charges levelled against Som under both the charge-sheets were proved on the evidence adduced before him; that the charges were of serious nature, and no management can permit workers to remain continuously absent for such a long time without any reason or sufficient cause. Besides this the workman had been repeatedly called upon by the Company to join duties immediately but he paid no heed to it and continued to remain absent unauthorisedly. The Enquiry Officer recommended that he should be dismissed from the company's service.

10. To my mind there can be no doubt that the findings of the Enquiry Officer were well based on evidence; the decision of the management to dismiss Som as a result of the enquiries is not surprising.

11. The question now comes before me in a wider form, and this question is whether notwithstanding the enquiry in which Som had refused to appear, the termination of his services was justified. Som has now given evidence before me; but has not called any witnesses.

12. Before me Som filed a statement in respect of this issue. He stated he was employed as a clerk in the colliery on 13th December 1958 and that towards the end of 1959 he was appointed by the Kotma Colliery Labour Union (hereinafter referred to as the INTUC Union) as its Office Secretary and he was closely associated with the affairs of the Union. He says he has looked up the previous papers of his union and has come to the conclusion that before 1957 his union was run by contractors and senior Supervisors and was under the influence of the management; that the union had come into existence in opposition to an independent union, namely Kotma Colliery Kamgar Samiti, formed by two dismissed employees *viz.* R. N. Nair and Maskar, which according to Som was opposed to any independent union and hated the INTUC leaders; that attempts were adopted by the management in 1957 to exclude Mr. K. B. Chougule, the then Secretary of the INTUC, M.P. Branch, but ultimately on 16th April 1957 the union was taken over by the workers from the hands of contractors and senior Supervisors. Som goes on to say that the records revealed that the management tried to boost up the rival union under the Socialist Party banner after the INTUC Union had taken over; that after April 1967

members of the INTUC were maltreated by the management, and suffered assault and intimidation at the hands of the rival union, and the management took no action in the matter, and thus the rival union gained strength, and the INTUC union (his union) was put to great difficulties. He goes on to say that between 1957--59 three serious riots took place in which INTUC members were beaten and many injured. On 25th April 1957 a murderous assault was made on the then President of the INTUC union, Mr. W. A. Walford, who was forced to leave the colliery under compelling conditions; that similarly Shri Chowdhury, General Secretary of the Union was forced to leave the colliery; and thus during 1959-60 their union activities in the colliery were brought to a complete standstill; that the management in order to give further strength to the members of the rival group settled the cases of Afsar Ali and Abdul Mukim and Jaswant Singh by giving the first two Rs 1500/- cash and by reinstating the third; that this was done by the management after Government had refused to refer the cases; in the year 1961 efforts were made to revitalise the union, the workmen in frustration went on a strike from 7th July 1961 demanding expulsion of Afsar Ali and Abdul Mukim. These two persons were expelled by the Collector of Shahdol on 11th July 1961; that in the meantime the Vice President of the INTUC union Yadav who was acting President was mercilessly beaten on 15th August 1961 and thrown into a tank, but he was saved, and he lodged a complaint against 36 persons. The management required from Yadav details of the persons against whom the complaints were made, and they wanted Yadav to give such persons' father's name, token number and designation; as Yadav could not give these details he could not pursue the complaint any further and no single member of the rival union was dismissed while Tilakraj, Vikramaditya, Chhediram, Kashiram, Swamidin and Bhagat had been dismissed as a result of the management's action; that on hearing of the removal of expulsion order on the two goondas by the Court the workers lost patience and in protest went on a strike on 18th October 1961 demanding the expulsion of the two persons from the colliery, but the management was not interested and suggested that the matters should be reported to the police; thus trouble started in the colliery; the life of the workers and their families was in danger; several workers were murdered in the colliery and there were cases of terrorism, panic and looting; few of the culprits could be brought to book because of the terror that prevailed in the colliery; that after negotiations the colliery was reopened on 28th February 1962 as a result of an agreement and it was one of the terms of the agreement that no disciplinary action would be taken against any workmen for the strike and the lock out and to withdraw any such action already initiated. After resumption of work from 28th February 1962 he did not return to the colliery, and on the contrary the rival group started indulging in further acts of terrorism. On 4th May 1962 a riot took place and his life was in danger; the trouble was caused by the goonda elements headed by Afsar Ali. Thereafter on 9th July 1962 another serious situation was saved by the timely intervention of police. There was terror in the colliery. While the management claimed that it had nothing to do with the rival union, almost every day rough elements were seen sitting in the manager's bungalow and roaming with high officials of the colliery; when there was a general recruitment of workers, workers brought by the rival elements were given preference over available labour and the rivalry was kept up. Due to the prevailing terror in the colliery 200 persons left their quarters allotted by the company and moved to safer place from 3 Dafai. The office of the INTUC had to be shifted from No 3 Dafai because No. 3 Dafai had become the stronghold of the rival union, that the leaders of the rival union moved in the colliery with lathies and there was high tension in the colliery, and he had to move under protection, they tried to murder him at Anuppur Station and there was fight between his followers and the other side at the Station as a result of which police arrested a number of persons. The management in the meantime allowed Afsar Ali to build his own house and assisted him with money and furniture and he has started a shop in front of the INTUC office. A number of cases of unauthorised occupation of the rival union members in the company's quarters had occurred and no action had been taken against them, and immediately after 20th October 1962 a state of emergency was called all over the country. Due to the new situation the union was brought under control, and it was not possible to pay attention to the cases of workers. Due to the very heavy tension and disturbances he could not even submit the return to the Registrar of Trade Unions and in the result the registration was cancelled in May 1963 but the Union got it re-registered. This is the statement of the charges made by Som against the management.

13. Som has been cross-examined at great length. He has not called any witness to corroborate the allegations which he has made. If what he says was true he could have produced before me a volume of evidence on the subject. The exhibits which have been filed indicate that Som's allegations against the management are unfounded. He has referred to the single case of Afsar Ali and Abdul Mukim who were appointed some time in March/April 1957. On 1st July 1957 the company

sent the names of these two persons along with 18 others to the police, Kotma Colliery, for verification. In October 1957 both of them were dismissed from the company's service after they had been charge-sheeted and enquiries had been held. By letter of 19th September 1960 the union raised a dispute about the dismissal of these two persons before the Regional Labour Commissioner (Central) Jabalpur; during the conciliation proceedings some irregularities in the enquiries which had been held were pointed out, and the Manager, Kotma Colliery, by his letter of 12th November 1960 Ex. 274 KC wrote to the Head Office recommending that in view of the defects in the enquiries the cases of both of them may be settled by paying them Rs. 500 each (and not Rs. 1500 as suggested by Som). Thereafter on 12th January 1961 the Government by Ex. 273 informed the parties that the disputes were not considered fit for reference as the parties wished to settle the matter, and accordingly on 30th May 1961 a memorandum was signed before the Conciliation Officer Ex. 282 KC. This version supported by Exhibits is very different to what Mr. Som has alleged. This was the only case which was put forward by Som to suggest partiality towards the opposite union. In fact there was no partiality at all. As regards re-instatement of the third man, surely no adverse influence can be drawn from such re-instatement. And the allegation that the management financed Afzar Ali is quite unsupported.

14. As against the evidence of Som there is abundant evidence that the management was well inclined towards the INTUC Union. This is supported by a number of facts and exhibits. The KCLU was registered on 18th January 1956 and the company without any hesitation recognised it on 27th January 1956. There is nothing to indicate that there were any disputes between the management and the KCLU at any time beyond the ordinary disputes arising out of employer-employee relationship. It is however necessary that I should refer to certain instances to corroborate the amicable relations between the company and the union. There were a series of settlements with the INTUC union right from 1957 onwards and the settlements are exhibits 215KC, 216KC, 217KC, 218KC, 219KC, 221KC, 233KC, 254KC, 261KC, 276KC, 319KC and 385KC; as against these the only agreement the company made with the Sabha was the one Ex. 282KC. There is also a settlement dated 19th December 1960 ex. 271 which was entered into between the company on the one hand and both the unions on the other. As regards the incident of Mr. Chougule's entrance into Kotma, the KCLU itself opposed the entry of Mr. Chougule into the colliery; Mr. Chougule addressed a meeting at Kotma town about 4½ miles away from the colliery; the Secretary of the KCLU complained to the INTUC, New Delhi about it Ex. 185. Later on the company recognised the new executive in response to a letter from Mr. Chougule. In June 1957 Shri V. V. Dravid visited Kotma and at the request of the INTUC the company made arrangements for his visit.

15. On 18th June 1957 there was a riot between the two unions in which Ram Kripal Misra, Surveyor, was injured. Shri Dravid addressed a meeting and told the workers not to indulge in violence. Thereafter on 21st June 1957 a meeting was called of the two factions by the Commissioner and the Deputy Commissioner at which the management was also present. It was suggested that an Advisory Committee should be formed for maintaining peace. It was further agreed that the parties would give lists of doubtful characters for checking their antecedents; the company to furnish list of persons (Ex. 297) and to continue to report to the police authorities about all new recruitments (Ex. 231 KC, 259KC, 260KC and 262KC). The list given by KCLU in Ex. 189 stated that none of the 20 persons named therein were found to be undesirable. It is to be noted that Afsar Ali and Mukim within 6 months of their employment in October 1957 were dismissed by the company, and according to Mr. Som they were leaders of the opposite section. The company dismissed P. K. Sharma, Mining Sirdar, as he had assaulted Yakub, the Treasurer of the INTUC union. On a complaint dated 15th January 1958 by the KCLU to the management against the undesirable activities of two commission holders, the company terminated their contract of commission on 5th February 1958. Ex. 233 KC and 224KC. On 25th April 1959 there was a riot in the colliery; Walford was assaulted by Lalji, and the company chargesheeted Lalji by Ex. 256 and dismissed him from the company's service on 28th January 1959 Ex. 257. On the next day i.e. 26th April 1959 members of the INTUC in retaliation assaulted Barku Khan of the Socialist Union and he was killed, as a result of which a number of the INTUC office-bearers were convicted and sentenced to 10 years imprisonment, which was later reduced to 3 years by the High Court; and a number of the others were bound over under Section 107 on 14th June 1960 Ex. 240. After the riots a meeting was called and addressed by the Collector of Shahdol in which members of the two groups were present Ex. 240. Another meeting was held on 13th May 1959 followed by a meeting of 19th May 1959, and 8th June 1959 (Exhibits 249 KC, 250 KC and 251 KC). In one of the meetings a Peace Committee was formed and it was decided

that a fund should be raised to help the persons of both the unions injured in the riots. The company was to contribute Rs. 500 KCLU Rs. 200 and the Socialist Party Union Rs. 100. The KCLU in March was asked by the company to pay its contribution of Rs. 200 but it failed to do so.

16. Now I shall refer to a few of the agreements and settlements entered into by the colliery with the KCLU (INTUC):—

Ex. 215KC—The Union requested the Management to give one day from the Diwali Festival holiday for Dessera festival; this was allowed.

Ex. 218KC—Settlement of 7th October 1957 before the Conciliation Officer, Jabalpur in respect of demands made in their letter of 26th September 1957.

Ex. 217—Memorandum of settlement dated 8th October 1957 before the same Conciliation Officer in respect of the demands made by the Union in their letter of 29th July, 1957.

Ex. 219 KC—is a joint letter dated 24th October 1960 by the company and the Union to the Chief Labour Commissioner at New Delhi informing him that the parties had satisfactorily implemented the award of the Labour Appellate Tribunal of India in the colliery disputes.

Ex. 221 KC—contains minutes of the discussions held on 22nd December 1957 between the company and the union before the Conciliation Officer regarding the demand of the union for abolition of commission holders.

Ex. 233—contains minutes of concillation proceedings held on 11th and 12th December 1957 before the Conciliation Officer, Jabalpur, on 16 demands raised by the union.

Ex. 254—Memorandum of settlement of 25th June 1958 before the Conciliation Officer on various demands raised by the Union.

Ex. 261—Memorandum of settlement dated 24th March, 1960 in reference No. CGIT 2 of 1960 pending before the Central Government Industrial Tribunal, Bombay.

Ex. 276—Memorandum of settlement dated 2nd February, 1961 between the company and the union as envisaged in the settlement dated 24th March, 1960, in the last named reference;

Ex. 319—Memorandum of settlement dated 3rd November, 1961, before the Conciliation Officer, Jabalpur in respect of 8 demands raised by the Union;

Ex. 365—Memorandum of settlement dated 23rd March, 1962, entered by the company with the KCLU after the prolonged strike in the colliery for 4½ months.

Furthermore all facilities were allowed to the INTUC union which they asked for like accommodation for union work, and even alternative accommodation which was refused.

17. As against this volume of settlements with the INTUC union there was only one settlement by the management with the Sabha to which a reference has already been made concerning Afsar Ali, and Mukim (Ex. 272, 274, 273 and 282)

18. It appears to me from the exhibits that in 1953 the Kotma Colliery Kamgar Samiti was formed and at that time no other union was in existence; Nair and Maskar were the office bearers of the Samiti, and as put by Som it was an independent union. In 1953 another union called Kotma Colliery Mazdoor Samiti was organized by the Kotma Congress Committee. In June 1954 Mr. Abid Ali, Deputy Minister of Labour, visited the Kotma Colliery and held joint meetings with the representatives of both the unions and amalgamation was effected and an *ad-hoc* committee was formed under the Chairmanship of Shri S. C. Sen, Surveyor. Som says that the union was registered on 18th January, 1956, and without any hesitation the management gave recognition on 27th January, 1956; it is here pertinent to observe that this union was merged as a result of the efforts of the Deputy Minister of Labour and that neither Mr. Nair nor Mr. Maskar were the office bearers. I have already said that in respect of the controversy relating to Mr. Chougule a new executive was duly appointed on 16th April, 1957 Later on another union was formed by the followers of Socialist Party and was called Kotma Colliery Mazdoor Sabha. No other union was formed after that, INTUC union naturally had a rival in the Mazdoor Sabha which is a Socialist union.

19. As regards the allegation that the company tried to boost up the rival union by giving employment to 387 workers between April and June 1957, Som's allegation is without foundation. In his cross-examination referring to the allegation that the management had between March and June 1957 accepted 387 persons in order to boost the rival union it appears that between January 1956 and February 1957 a large number of recruits had been taken in; there is evidence that during the period of January 1956 and February 1957, 2276 new recruits had been inducted into the company and for Som's verification the company offered inspection of the office registers. Som says he took figures of recruitment between March and June 1957 because it was soon after the new executive came in but he should have followed it up in order to be able to draw any legitimate conclusion.

20. I find no evidence to support the view that the management was encouraging any union or anybody of persons as against INTUC Union. I have found that the company did its best to ensure peace in the region, and if at times the peace was broken, some times by one union and at another time by the other, on such occasions the management was in no way responsible for what happened in fact the management took all steps in collaboration with the police to ensure law and order and the allegations to the contrary have no substance in fact. The very circumstance that the management entered into all these agreements with the INTUC union including the period when Som was the Secretary of the Union clearly indicates that the relations between the company and the INTUC union were cordial. Whenever the company was asked by the INTUC union to move the authorities in connection with any possible breach of the peace, the company without hesitation informed the authorities about it. 'There is only one occasion on which the company settled a matter with the other union and that was because of an infirmity in its enquiry proceedings. But even in that case the dismissal of two of the persons was maintained, and in respect of the third he was reinstated, but to say that this sort of action on the part of the management was inimical to the INTUC union has no justification. The allegation in reply to the charge-sheet No. 8477 that the reason of Som's continued absence from duty was due to want of security at the Time Office and nothing else' has no foundation in fact, and Som apart from giving evidence before me has brought no evidence to support his allegation, a notable omission.

21. As I have said before the enquiries were properly conducted and nothing has been said by Som in his evidence before me regarding the relevant basic evidence produced at the enquiry.

22. It seems abundantly clear that Som was treated by the company with all due consideration he entered into several agreements with the company to the advantage of the workmen. But it appears to me that Som at the relevant period began to look upon himself as an employee privileged to do whatever he liked, to whom the obligations which he owed to the company as a Clerk became secondary to his work for the union, and his ego stretched to the extent that he absented himself whenever he liked and took leave without permission, and refused to appear at the enquiries. He has given evidence before me at great length, but he has failed to create any impression; and in fact it has been proved from the documents filed that the management was always well inclined towards him until the stage was reached when he become indifferent to his work to the extent of neglecting it and absenting himself just as he pleased. His excuses had no substance in them, and he refused to appear at the enquiries. The principal charge of Som had been that his safety was jeoparadised by the presence of goondas armed with sticks loitering near his office, and that the presence of those persons affected his security in the office; but no particulars were given, no names of the goondas were forthcoming, and no evidence whatsoever has been produced to prove that these goondas were in fact loitering as alleged. Nor did he give any specific instances where the management is alleged to have fraternised with the so called goondas concerning which he had made charges in a very general way. If these serious allegations were true Som should not have had any difficulty in giving particulars of them and producing witnesses to support his case; allegations of this character without facts to support them can carry no conviction.

23. I have carefully considered all the evidence and the mass of exhibits filed, and if I do not refer to all of them it does not mean that I have no considered them.

24. The whole subject has been fully canvassed before me, and upon a careful consideration of the case I hold that the termination of the services of Shri Som

by the management was justified and that he is not entitled to any relief. And such is the whirling of time that the aforesaid Shri Afsar Ali is now the Vice President of the INTUC Union, so I was told at the last hearing.

Now, therefore, I make this award at Bombay this 24th day of May 1967. Each page is signed and all corrections initialled

F JEEJEEBHOY, Arbitrator

[No. 8/109/64-LRII.]

ORDERS

New Delhi, the 2nd June 1967

S.O. 1979.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jaipuria Kajora Colliery, P. O. Ondal, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the refusal to employ Lahasu Rajbhar, Jagrup Rajbhar, loaders and Lalit Chamar, Pick miner from the 29th November, 1966 onward by the management of Jaipuria Kajora Colliery, Post Office Ondal, District Burdwan, was justified? If not, to what relief are they entitled?

[No. 6/35/67-LRII.]

S.O. 1980.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Sarpi Kajora Colliery, Post Office Ukhra (Burdwan) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the non-employment of Shri Kedar Ram, Surface Trammer with effect from the 9th February, 1967 by the management of Sarpi Kajora Colliery, Post Office Ukhra (Burdwan) was justified? If not, to what relief is he entitled?

[No. 6/40/67-LRII.]

S.O. 1981.—Whereas, the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company Limited, Post Office Kalyan Khani Collieries (Andhra Pradesh) and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

(i) Whether the demand that Shri Modupuram Chandraiah, Daily Gang Mazdoor, Kalyan Khani No. 2 Incline, Mandamari Division of Messrs Singareni Collieries Company Limited, should, having regard to the nature of duties performed by him, be given Peon's grade of Rs. 28—1—45, is justified?

(ii) If so, from what date?

[No. F.7/11/67-LRII.]

New Delhi, the 3rd June 1967

S.O. 1982.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Lower Kenda Colliery, Post Office Kajoragram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Amiya Nemai Sirkar, Pit Munshi by the management of Lower Kenda Colliery, Post Office Kajoragram, District Burdwan, with effect from the 21st March, 1967 was justified? If not, to what relief is he entitled?

[No. 6/38/67-LR.II.]

S.O. 1983.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pure Sitalpur Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Ram Chandar Mishra, Machine Driver by the management of Pure Sitalpur Colliery, Post Office Ukhra, District Burdwan with effect from the 9th March, 1967 was justified?

If not, to what relief is he entitled?

[No. 6/39/67-LRII.]

S.O. 1984.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ghusick Colliery of Messrs Coal and Mineral Syndicate (Private) Limited, Post Office Kalipahari, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of the following workmen by the management of Ghusick Colliery of Messrs Coal and Mineral Syndicate (Private) Limited, Post Office Kalipahari, District Burdwan, is an act of victimisation?

1.	Shri Gazaru Rajbhar	Coal cutter.
2.	,, Baru Harijan	,,
3.	,, Shankar Rajbhar	,,

4.	Shri Mahabal Rajbhar	Coal cutter
5.	,, Sew Rajbhar	,,
6.	,, Dudhnath Rajbhar	,,
7.	,, Durjan Rajbhar	,,
8.	,, Ch. Sukhnandan Rajbhar	,,
9.	,, Ramnega Singh	Trammer.

If so, to what relief are they entitled?

[No. 6/57/66-LRII.]

S.O. 1985.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bankolla Colliery, Post Office Ukhra, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Bankolla Colliery, Post Office Ukhra, District Burdwan was justified in stopping from work Shri Bhubon Bouri, Surface Trammer, with effect from the 17th May, 1966?

If not, to what relief is the workman entitled?

[No. 6/101/66-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour & Employment)

New Delhi, the 29th May 1967

S.O. 1986.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, Hyderabad in the Industrial dispute between the employers in relation to Messrs Steelcrete (Private) Limited, Visakhapatnam and their workmen which was received by the Central Government on 14th May, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal (C), Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 32 OF 1965

BETWEEN:

Workman of M/s. Steelcrete (P) Ltd., Visakhapatnam.

AND

Management of M/s. Steelcrete (P) Ltd., Visakhapatnam.

AWARD

The Government of India in its Ministry of Labour & Employment had, by order No. 28/31/65/LR. IV dated 3rd May 1965, referred this case for adjudication to my learned predecessor, Dr. Mir Siadat Ali Khan. The issues as per Schedule annexed to the Notification of the Government of India are these:—

(1) Whether the demand of the Union for removal from service of the two newly recruited Crane Drivers (Sarvashri Kanubhai Patel and G. Adinarayana) is justified?

(2) Whether the demand of the Union for removal of the two newly appointed riggers, (Sarvashri Dilip Singh and Guru Dayal Singh) is justified?

(3) Whether Sri G. Yellaiah, driver, is entitled to driver's wages on the days when he worked as rigger? If so, from what date?

(4) Whether the demand of the Union for payment of Rs 10/- per day to Sri M. M. Patel, Supervisor, is justified? If so, from what date?

2. This reference was received on 17th May 1965. Notice of the reference was given to both sides on 20th May 1965. Statement of claims has not been received on behalf of the Union, that Union being Visakhapatnam General Contractors

Workers Union, Visakhapatnam. It is party to the reference through its President The turn of the Management to file counter would come after statement of claims is filed on behalf of the Union.

3. By letter dated 20th September 1965 Mr. K. S. Sastry, President, Visakhapatnam General Contractors Workers Union, wrote to the Under Secretary, Ministry of Labour & Employment, Government of India, stating that consequent on negotiations with the employers, it is agreed by the Union "to withdraw the issues" set out in the Schedule annexed to the Government of India's order No. 28/31/65/LR. IV dated 3rd May 1965. By that letter the Under Secretary was informed that issues referred for adjudication "have been withdrawn by us, and we further state that there is no dispute whatsoever in respect of the issues referred to above". The above letter was obviously written after notice of the reference was received by Mr. Sastry and by which the Union was called upon to file statement of claims. The reference was numbered here as I.D. No. 32/65. The number of the Industrial Dispute is mentioned in that letter. A copy of that letter was sent to the Industrial Tribunal here and to the employers. That which was marked to the Industrial Tribunal was received here on 24th September 1965. The employers also should have received the copy marked to them.

4. When copy of the letter mentioned in the paragraph above was received, my learned predecessor, Dr. Mir Siadat Ali Khan, had directed the file to be put up After that any further action was not taken. I had succeeded him on 19th November 1965 as Presiding Officer of the Industrial Tribunal, Andhra Pradesh, Hydera bad. By order dated 31st January 1966 the Government of India had, along with other Central cases, transferred I.D. No. 32/65 to me for adjudication from the file of Dr. Mir Siadat Ali Khan. That is how I have jurisdiction to dispose of this case. Some time later the office of this Tribunal was shifted to its present location from where it was formerly. Mainly for this reason the file in this case was misplaced After a thorough search of the records I found that this case still remained to be disposed of.

5. Relying upon Mr Sastry's letter to the Under Secretary, Ministry of Labour & Employment, Govt. of India, I could have proceeded to dispose of the case. But since it has been a considerable time after copy of that letter was received here, I wanted to verify for myself from the parties as to what the posion was. Therefore by notice dated 11th April 1967 I called upon the Union to make a statement, if any, apart from what has been stated in the letter of Mr. Sastry. In that notice I also called upon the Management to file a statement, if any. I posted this case to 26th April 1967 for replies, if any, from both sides. This notice was sent on 12th April 1967 under certificate of posting. It has to be assumed that both sides had received the notice in due course by post.

6. Any communication was not received from either party. As a measure of precaution I waited till this day, *i.e.*, 5th May 1967. The position remains the same, *viz.*, that neither party has responded. I will proceed to dispose of the case

7. Had a memorandum of settlement between the parties or a similar document embodying any terms of settlement between them been presented or was sent by post, then an award could have been made in terms of such settlement. Any such document is not forthcoming. From the lack of any kind of response from either party to notice dated 11th April 1967 from this Tribunal it is clear that neither side is any more interested in this dispute. That is presumably so because the matter had been settled between the parties. Only, we do not know what the terms of any such settlement are. In Mr. Sastry's letter to the Under Secretary it is merely stated that the issues are withdrawn, and that there was no dispute whatsoever in respect of those issues.

8. For the purpose of passing an award I have to take note of the position as it now obtains. It will be noticed that the onus of proof in the first instance under all the four issues is upon the Union. Any evidence has not been tendered by the Union before the Tribunal under any of the issues. Therefore my finding under each of the issues is this:—

Issue 1.—The Union has not proved that its demand for removal from service of the two newly recruited crane drivers, Kanubhai Patel and G. Adinarayana, is justified.

Issue 2.—The Union has not proved that its demand for removal of the two newly appointed riggers, Dilip Singh and Guru Dayal Singh, is justified.

Issue 3.—The Union has not proved that G. Yellaiah, driver, is entitled to driver's wages on the days be worked as rigger.

Issue 4.—The Union has not proved that its demand for payment of Rs. 10/- per day to M. M. Patel, Supervisor, is justified

Award passed accordingly

Given under my hand and the seal of the Tribunal, this the 5th day of May 1967

M. NAJMUDDIN,
Industrial Tribunal.

[No. 28(31)/65-LR. IV.]

New Delhi, the 31st May 1967

S.O 1987.—Whereas by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O 3832, dated the 12th December, 1966, the Central Government being satisfied that the public interest so required, had declared the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a period of six months from the 22nd December 1966;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd June, 1967.

[No F. 1/40/67/LRI.]

S.O. 1988.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2 Calcutta, in the industrial dispute between the employers in relation to M/s Manganese Mining Syndicate P.O. Barbil District Keonjhar and their workmen which was received by the Central Government on the 25th May, 1967.

[No. 35/11/65-LR-I.]

New Delhi, the 2nd June 1967

S.O 1989.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Allahabad in respect of an Industrial dispute between the management of the Punjab National Bank Limited and their workmen which was received by the Central Government on the 26th May 1967.

BEFORE THE INDUSTRIAL TRIBUNAL (I) AT ALLAHABAD

PRESENT:

Shri Mithan Lal—*Presiding Officer.*

Misc. Case No. (Central) (3)/1966

In the matter of an industrial dispute between Messrs Punjab National Bank Ltd., New Delhi.

Vs.

Their Workmen

APPEARANCES:

For the employers.—Sri K. C. Madan, Authorised Representative

For the workmen.—P N. Tiwari, President, U.P. Bank Employees Union.

INDUSTRY: Bank. DISTRICT: Kanpur.

Dated 19th May, 1967

AWARD/ORDER

This reference by the Central Government under the powers conferred by Section 7A and Clause D of Sub-section (1) of Section 11 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), has been made by order No. 51(24)/66 LRIV dated 20th August, 1966. The dispute relates to the withholding of one

increment of Gaya Prasad Pandey an employee of Punjab National Bank Ltd., and the matter of dispute is as follows:—

"Whether the management of Punjab National Bank Ltd. Generalganj, Kanpur is justified in withholding one increment of Shri Gaya Prasad Pandey by way of punishment? If not, to what relief is the employee entitled?"

Notices were issued to the parties. The statement of claim was filed on behalf of the workman on 10th October, 1966, after handing over a copy of the same to the Bank. Since than the case was being adjourned on one ground or the other and the reply of the Bank was filed only on 18th April, 1967. This date was fixed for filling rejoinder and compliance of certain orders passed on the last date.

Today the parties have filed a settlement resolving the dispute. Under the terms of the agreement the employee concerned has been given the withheld increment w.e.f. 10th March, 1967. As there was a little ambiguity in para. 3(1) a clarification was sought from the parties' representatives and it is now apparent that w.e.f. 10th March 1967 the concerned shall get his usual increments in the graded scale of pay as well as the withheld increment.

Decision

My award is that Gaya Prasad Pandey shall be given the withheld increment which fell due to him on 10th March, 1962 w.e.f. 10th March, 1967 as agreed upon.

The settlement shall form part of this award.

MITHAN LAL,
Presiding Officer
19-5-67

PART OF THE AWARD

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)

7, STRACHEY ROAD, ALLAHABAD

CENTRAL CASE NO. 3 OF 1966

U. P. Bank Employees Union, Trade Union House, 36-8, Ram Mohan ka Hatta, Kanpur, *Applicant.*

Versus

The Punjab National Bank Limited, Head Office, Parliament Street, New Delhi. *Opposite Party.*

The parties to the aforementiond dispute beg to state as under:

1. That the undernoted reference is pending adjudication before this Hon'ble Industrial Tribunal.

"Whether the management of Punjab National Bank Ltd. Ganeralganj, Kanpur is justified in withholding one increment of Shri Gaya Prasad Pandey by way of punishment? If not to what relief is the employee entitled?"

2. That 19th May, 1967 is fixed for documentary evidence of the parties and for framing up issues.

3. That the parties to this dispute have arrived at a settlement on the following terms:—

"(i) That without prejudice to the stand taken by the parties in their written claims before this Hon'ble Tribunal, it has been settled that the withheld increment of the employee which fell due to him on 10th March, 1962 will be released w.e.f. 10th March, 1967.

(ii) That he will not be entitled to arrears of any kind on this account.

(iii) That it is in full and final settlement of the dispute".

The parties to this dispute, therefore, pray that an award may kindly be given in terms of the Settlement as aforesaid.

(Illegible)
Sd./- Staff Manager.

For the U.P. Bank Employees Trade Union House, 36/8, Ram Mohan Ka Hatta, Kanpur.

Sd./- P. N. TIWARI

State Joint Secretary.

Dated: May 15, 1967,

Vaisakh 25 1889 (*Saka*).

Sri K. C. Madan on behalf of the Punjab National Bank and Sri P. N. Tiwari President, U.P. Bank Employees Union state in clarification of para 3(i) that the employee who has already been given an increment on 10th March, 1967 i.e. his usual increment in the graded scale shall be given one more increment w.e.f. that date in lieu of the withheld increment falling due on 10th March, 1962.

Sd./- K. C. MADAN. Sd./- P. N. TIWARI.

Signed and verified before me.

Sd./- MITHAN LAL. Sd./- P N TIWARI

Presiding Officer 19-5-67

Sd./- K. C. MADAN.

[No. 51(24)/66-LR IV.]

New Delhi, the 6th June 1967

S.O. 1990.—Whereas the Central Government, having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation No. S. O. 3934, dated the 15th December, 1966, the banking industry carried on by a banking company as defined in clause (bb) of section 2 of the said Act, to be a public utility service for the purposes of the said Act for a period of six months from the 29th December, 1966,

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 29th June, 1967

[No. 1/39/67-LR.I.]

ORDERS

New Delhi, the 29th May 1967

S.O. 1991.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Punjab National Bank Limited Calcutta was justified in promoting Shri S. K. Raghubanshi as 'Teller' with effect from the 29th December, 1965 in supersession of Shri P. K. Ghosal. If not, to what relief is Shri P. K. Ghosal entitled?

[No 51/22/67-LRIII.]

New Delhi, the 30th May 1967

S.O. 1992.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hindustan Commercial Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the power conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Ishwar Dass Pawar shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the action of the management of the Hindustan Commercial Bank Limited in reverting Shri M. L. Khanna from the post of Supervisor to that of a Head Clerk with effect from the 15th June, 1961, was justified? If not, to what relief is he entitled?

[No. 51/34/66/LR. IV.]

New Delhi, the 1st June, 1967

S.O. 1993.—Whereas the Central Government is of opinion that an industrial dispute exists between the management of the Damodar Valley Corporation, Calcutta, and their workmen in respect of the matters specified in the Schedule hereto annexed and that the said dispute involves a question of national importance and that the dispute is also of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such dispute;

And, whereas the Central Government is of opinion that the said dispute should be adjudicated by a National Tribunal;

Now, therefore, in exercise of the powers conferred by sub-section (1A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute to the National Industrial Tribunal at Calcutta constituted by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 2661, dated the 25th August, 1966, for adjudication.

SCHEDULE

(1) Whether for the years 1964-65 and 1965-66 the workmen are entitled to be paid bonus at a rate higher than the rate at which they were paid by the management? If so, what should be the quantum of bonus for the said years?

(2) Whether the demand for revision of the scales of pay of all categories of workmen, both technical and non-technical is justified? If so, in what manner should their pay scales be revised?

(3) Whether the demand for introduction of incentive bonus scheme based on production and/or attendance is justified? If so, what should be the scheme?

(4) Whether the minimum rate of wage of daily-rated unskilled workmen should be increased? If so, what should be the rate of minimum wage?

(5) (a) Should construction allowance be payable to any categories of regular employees for extension of existing projects after the operation stage has commenced? If so, to what extent and to which categories of regular employees?

(b) Whether in transmission system, construction allowance should be paid to any categories of regular employees other than those who are getting the same?

(c) Whether the demand for local allowance is justified? If so, what should be the quantum of such allowance?

(6) Whether the existing rates of overtime wages to the workers not covered by the Factories Act, 1948 (63 of 1948) or any other enactment regulating overtime wages are justified? If not, what should be the rate of overtime wages for such workers?

[No. 4/138/66-LRIV.]

New Delhi, the 2nd June 1967

S.O. 1994.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Cochin Dock Labour Board, Cochin and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri V. V. Subramania Iyer shall be the Presiding Officer, with headquarters at Kozhikode and refers the said dispute for adjudication to the said Tribunal

SCHEDULE

Whether the employers in relation to the Cochin Dock Labour Board are justified in refusing employment to the following workmen, namely:—

(1) Shri Vareechan Achambi, Wage No. 695 (WD).
(2) Shri T. V. Kochappan, Wage No. 33-T.
(3) Shri K. P. Thomas, Wage No. 33-C
(4) Shri K. Pappachan, Wage No. 561 (WD)
(5) Shri Ouseph Pappu, Wage No. 101-F.

If so, to what relief are the said workmen entitled?

(2) Whether the demand of the workmen who were on strike from the midnight of the 30th November/1st December, 1966 to 8th December, 1966, for grant of continuity of service and wages from the 9th December, 1966 to the date of their reinstatement (both days inclusive) is justified?

If so, to what relief are they entitled?

[No. 28(48)/67-LRI II.]

S.O. 1995.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kalla Stone quarry, P.O. Kalla Hospital (Burdwan) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act

SCHEDULE

Whether the action of the management in locking-out Shri Abdul Khan Magazine Chaprasi with effect from 18th December, 1966 and Shri Tej Narayan Jha, Quarry Munshi with effect from 1st December, 1966 is justified? If not, to what relief are these workmen entitled?

[No. 36/11/66-LRI.]

New Delhi, the 5th June 1967

S.O. 1996.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Paonia Manganese Mines of R. S. Seth Gopikishan Agarwal, Mining Proprietors, Tumsar and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur constituted under section 7-A of the said Act.

SCHEDULE

(a) Whether the demand of the workers of Paonia Manganese Mines P. O. Tirodi Teh: Waraseoni, Distt. Balaghat (M. P.) of M/s R. S. Seth Gopikishan Agarwal, Tumsar for increase of wages is justified? If so, to what relief are they entitled and from which date?

(b) Whether the demand of the workers of Paonia Manganese Mines P. O. Tirodi Teh: Waraseoni Distt. Balaghat (M. P.) of M/s. R. S. Seth Gopikishan Agarwal, Tumsar for payment of bonus for the year 1965 is justified? If so, to what relief are they entitled?

[No. 35/26/66-LR.I.]

S.O. 1997.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the White Clay Mines, Karanjia, Post Office Chaibasa, District Singhbhum and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of the White Clay Mines, Post Office Chaibasa, District Singhbhum in dismissing the following workmen from service with effect from the 20th August, 1966, was justified?

1. Shri Ghansayam Hessa
2. Shri Bikram Hessa
3. Shri Chintamanipur
4. Shri Shambhu Urmakuri
5. Shri Dinbandhu Chandan
6. Shri Hari Chandan
7. Shri Bajay Gograi
8. Shri Ramo Deoria
9. Shri Piru Hembram (Quarry)
10. Shri Lota Maturi
11. Shri Deven Laguri
12. Shri Siro Gograi
13. Shri Bowria Mahar
14. Shri Birsingh Swayan
15. Shri Singrai Deoria
16. Shri Puri Hembrom (Refinery)
17. Shri Kanai Bag.

If not, to what relief are these workmen entitled?

[No. 36/17/66-LR-I.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour & Employment)

New Delhi, the 30th May 1967

S.O 1998.—Whereas the Central Government was satisfied that Dashargarh Power Supply Company's Central Power Sub-Station was situated in Sunderchak area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Burdwan in the State of West Bengal.

And, whereas by virtue of its location in a sparse area, the aforesaid factory was granted exemption from the payment of the employer's special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 136 dated the 8th January, 1962;

And, whereas the Central Government is satisfied that the insurable population of the Sunderchak area in the district of Burdwan in the State of West Bengal has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the said notification namely:—

In the Schedule attached to the said notification in the entries against S. No. 3 Burdwan, the entry "Sunderchak" in Column 3 and the entry relating thereto in Column 4 shall be omitted.

[No. F 6/31/67-HI.]

S.O. 1999.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the seasonal nature of the industry carried on in the factory, hereby exempts Narbada Valley Refrigerated Products Company (Private) Ltd., Bhopal from the payment of the employer's special contribution leviable under chapter VA of the said Act for a further period of one year upto and including the 30th April, 1968

[No. F. 6(34)/67-HI.]

S.O. 2000.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. 13(5)/61-HI dated the 25th July, 1961, namely:—

In the said notification for item 2 the following items shall be substituted, namely:—

"2(a) The areas within the Municipal limits of Kottayam and the revenue villages of:—

1. Nattakam.
2. Athirampuzha.
3. Panachikkad.
4. Thiruvarppu.
5. Vijayapuram.
6. Puthupally.
7. Ettumanoor.
8. Ayamanam.
9. Kaipuzha (only portion of Arpookara).
10. Kumarakom
11. Pampadi.
12. Ayarkunnam.
13. Kuroorpada and
14. Perumbalkad (only portion of Kumaranallur) in the Kottayam Taluk in the Kottayam District; and

(b) the revenue villages of:

1. Vakathanam.
2. Vazhapally East and
3. Vazhapally West.

in the Changanacherry Taluk in the Kottayam District.

3. (a) The revenue villages of

1. Kainakary and
2. Nilamperur.

in the Kuttanad Taluk in the Alleppey District; and

(b) The revenue village of Koipuram in the Thiruvalla Taluk in the Alleppey District."

2. This notification shall be deemed to have come into force with effect from the 30th July, 1961.

[No. F. 13/6/67-HI.]

New Delhi, the 3rd June 1967

S.O. 2001.—In exercise of the powers conferred by sub-section (2) of section 1 of the Employees' State Insurance (Amendment) Act, 1966, (44 of 1966), the Central Government hereby appoints the seventeenth day of June, 1967, as the date on which the provisions of sub-section (4) of section 2, section 4 to 13 (both inclusive), sections 17, 28, 29, 31, 35, 36, 37 and 41; of the said Act shall come into force in the whole of India except the State of Jammu and Kashmir.

[No. F.1/15/66-H.I.]

S.O. 2002.—In pursuance of clause (a) of sub-section (1) of section 5A of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints, with effect from the 3rd June, 1967, the Additional Secretary to the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), as the Chairman of the Board of Trustees (Central Board), and makes the following further amendment in the

notification of the Government of India in the late Department of Social Security No. S.O. 1156 dated the 1st April, 1965, namely:—

In the said notification for the entry against serial number 1, the following entry shall be substituted, namely:—

"The Additional Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi."

[No. 12/5/63/PF-II.]

DALJIT SINGH, Under Secy.

(Department of Labour & Employment)

New Delhi, the 1st May 1967

S.O. 2003.—Whereas the Colliery Mazdoor Union has nominated under clause (e) of sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952) Shri Bishnu Banerjee in place of late Shri Keshab Banerjee as a member of the Mining Board constituted for the States of West Bengal and Assam.

Now, therefore in exercise of the powers conferred by sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment S.O. 3933 dated the 22nd December, 1962 namely:—

In the said notification, under the heading "Members" against serial number (6) for the entry "Shri Keshab Banerjee" the entry "Shri Bishnu Banerjee", shall be substituted.

[No. 3/4/67-M. I.]

J. D. TEWARI, Under Secy.

(Department of Labour and Employment)

New Delhi, the 5th June 1967

S.O. 2004.—The following draft of a scheme further to amend the Madras Unregistered Dock Workers (Regulations of Employment) Scheme, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 7th July, 1967.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government

Draft Scheme

1. This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In the Schedule to the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the following shall be added at the end of item (1):—

"These shall include workers engaged in———

(a) boiler cleaning on ships;
(b) ship's hatch cleaning (in respect of chipping and painting work only);
(c) paint washing on the over side of the ship and cleaning;
(d) tank top cleaning;
(e) caulking wodden decks with Oakum and pitch;
(f) deep tank cleaning;
(g) bilge cleaning;
(h) mast cleaning and washing;
(i) funnel cleaning;
(j) deck washing with hole stones;
(k) boot-topping scrubbing; and
(l) water tank cleaning and cementing.

[No. 62/1/67-Fac. II.]

K. D. HAJELA, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 29th May 1967

S.O. 2005.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954) the Central Government hereby appoints Shri Bhagwandas Sugna Singh as Settlement Officer in the office of the Regional Settlement Commissioner, Bombay for the purpose of performing the functions assigned to such officers by or under the said Act with effect from 29th March, 1967.

[No. 6(3)AGZ/67.]

A. G. VASWANI,

Settlement Commissioner (A) & *Ex-Officio* Under Secy.

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